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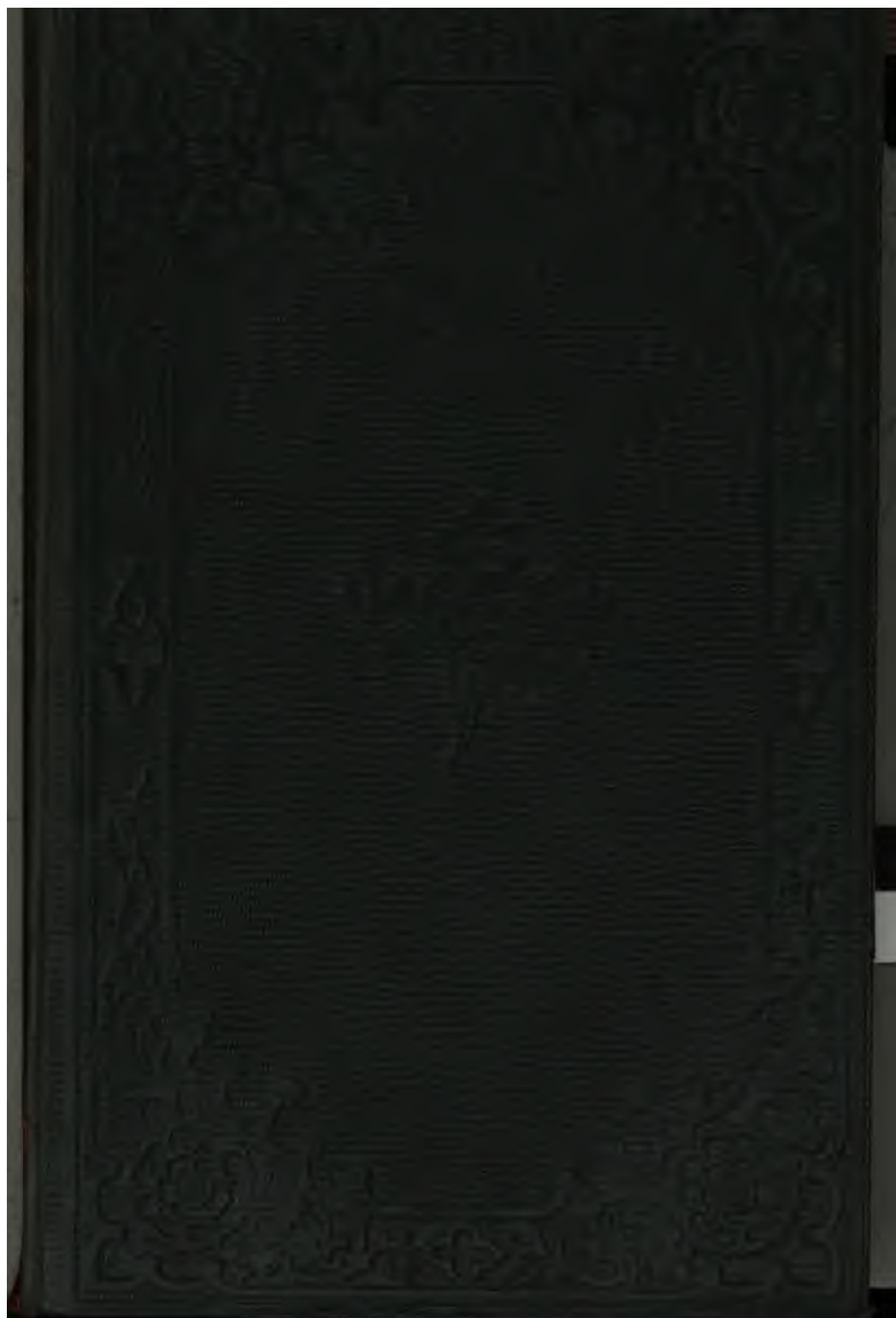
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SKETCHES  
OF  
THE IRISH BAR;  
WITH  
ESSAYS,  
LITERARY AND POLITICAL.

BY  
WILLIAM HENRY CURRAN, Esq.

IN TWO VOLUMES.

VOL. I.

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## ADVERTISEMENT.

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IN the Editor's Preface to "Legal and Political Sketches by the late Mr. Sheil," an explanation was given of the circumstances under which the proprietor of those papers felt himself called upon to reprint them in a collected form; and the same reasons apply to the republication, in a similar shape, of a large portion of the contents of the present volumes.

The "Sketches of the Irish Bar," (which originally appeared in the "New Monthly Magazine,") were commenced by Mr. Curran, at the earnest request of his intimate friend, the late Mr. Thomas Campbell, who was then the Editor of that Journal, but soon



after the publication of the first of them (that of Mr. Plunket) the writer, having found that he could not contribute others with sufficient rapidity for the purposes of a monthly periodical, obtained the aid of Mr. Sheil, and the series was thus continued for a period of some years. But it is only in this sense that these papers can be said to have been written in conjunction. Each separate article was the sole production of the particular writer to whom it is now assigned in the "Legal and Political Sketches," and in these volumes.

When Mr. Curran became apprized of the Publisher's intention to reprint his "Sketches of the Irish Bar," and a selection from his other contributions to the "New Monthly Magazine," he made a request (which was readily complied with) that he might have at his disposal as much space as would enable him to introduce a notice, to be written by him, of the late CHIEF-BARON WOULFE. This has accordingly been done; and the notice in question, which is longer, and more of a biographical character than any of the others, now stands prefixed to the original series.

In that series there is one paper (giving an account of a remarkable trial for a murder on the River Shannon)

**ADVERTISEMENT.**

**v**

with respect to which it may be mentioned, that it was made the "foundation" of Mr. Gerald Griffin's successful novel of "The Collegians."

The few foot-notes that occur in these volumes are of the same dates as the articles to which they are attached, with the exception of those which sufficiently show that they are now for the first time printed.

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SKETCHES  
OF  
THE IRISH BAR.

VOL. I.

B



# SKETCHES

OF

## THE IRISH BAR.

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LORD CHIEF BARON WOULFE.

[WRITTEN IN 1854.]

STEPHEN WOULFE was one of those men whose public career may be said to have been singularly prosperous. He came to an arduous profession with the bare hope of a certain degree of success in it, for he was by law excluded from its chief honours; and, on the expiration of twenty-four years from his call to the Bar, he found himself elevated to the office of Lord Chief Baron of the Court of Exchequer. This judicial place was not only, as to actual rank, among the highest, but it had incidentally acquired an increase of popular dignity and respect from the fact, that, for more than half a century, it had been filled by a regular succession of men, who, however



differing in other respects, were all of them distinguished by great intellectual capacity—Walter Hussey Burgh, Barry Yelverton (Lord Avonmore), Standish O'Grady (Lord Guillamore), and Henry Joy; and, although no striking resemblance can be traced between Woulfe and any of these his predecessors, it cannot fail to be observed, that, between him and the first of the series, there was to be the one melancholy coincidence, that the elevation of each to the office was to be prematurely followed by the close of his earthly career.<sup>1</sup>

Stephen Woulfe was born in the year 1786. His father was the possessor of a property in the county of Clare, which still belongs to the family, and, like many other Roman Catholics of the time, who could afford the expenses of expatriation, he had escaped from the land of his birth, as from a penal settlement, and lived and died abroad. His death took place at Cologne. His second son, the subject of this notice, was born at Chaud-Fontaine, a small place in the vicinity of Liége.

<sup>1</sup> Hussey Burgh became Chief Baron on the 2nd of July, 1782, and his successor was appointed on the 29th of November, 1783. Woulfe was made Chief Baron, July 20, 1838, and his successor, February 11, 1840.

The incidents of Woulfe's personal history were so much of an ordinary kind, that I shall have little occasion to dwell upon any of them ; my endeavour will rather be to note down with accuracy, from my many, and still vivid recollections of him, those moral and intellectual peculiarities which distinguished him from other men, and obtained for him that high degree of estimation which attended him throughout his career.

He received his earlier education at the Roman Catholic seminary of Stonyhurst—was thence transferred to the Lay College of Maynooth—entered, and in due course graduated, at Trinity College, Dublin, and was called to the Bar in Trinity Term, 1814.

It was in the previous year (1813) that, being one of his fellow-students at the Middle Temple, I first knew him ; and I cannot refrain from stating, with, I hope, excusable pride, that our acquaintanceship was no sooner formed, than he not so much selected, as seized upon me as his friend, and that the cordial grasp, once given, was never relaxed, until his hold upon all things in this life was gone from him for ever.

When I became acquainted with Woulfe in Lon-

don, I found him standing very high in the opinion and predictions of his associates there, among the most intimate of whom I may name the late Mr. Sheil, the late William Wallace, afterwards the writer of the continuation of Sir James Mackintosh's History of England, the present Judge Ball, and Mr. Thomas Wyse, now the British Minister at Athens. All the qualities which were, in after life, to recommend him to a wider circle, were already conspicuously developed—his social, joyous temperament, his freedom from all selfishness, his hatred of baseness, his admiration of worth, his kindly, circumspect regard for the feelings of others, his perfect candour, and, among his mental attributes, his sound and manly tastes, and, most of all, the high order of his reasoning powers.

During my long intimacy with him, we were so much in almost daily personal communication, either in Dublin, when the Courts were sitting, or on our Circuit, which we usually travelled together, that very little written correspondence of any length ever passed between us. There were, however, one or two exceptions, of which I propose to avail myself for my present purpose.

In the long vacation of 1815, he made a tour to

Italy in company with his friends, Ball and Wyse. Before his return, I received the following letter from him, which is in several respects characteristic; and although I cannot offer it as a striking specimen of the mental faculty in which he excelled, there are some passages in it which seem to me to show that the writer had already acquired the habit, which he continued through his life, of thinking for himself. Those parts of it which relate to travelling movements and expenses, might be omitted; but I retain them, because they afford one out of many proofs of his conscientious attention to any request from a friend. I had been accidentally prevented from being one of the party, and had told him that, as I still meditated a similar tour, I would wish to have from him, on his return, a precise account of the cost of such a journey.

“ Inspruck, 5th Oct. 1815.

“ My dear Curran,

“ Since I saw you, I have travelled through France into Geneva, Switzerland, Italy, and am now in the capital of the Tyrol, on my way home. I visited all the principal towns in the north-east of Italy—Milan, Brescia, Verona, Mantua, Vicenza,

and Venice. At the last city, Ball and Wyse left me. They go to Rome through Bologna and Florence. Ball will not return until January.

“I find by my travels that mankind resemble each other much more than I thought they did. With very few alterations, besides the change of language, you would not know you were out of England, if you were transported to any place I have seen, in your sleep. As to the streets of one place being narrow, and of another place being canals, these are circumstances that might as well occur at home, and are not essential to any. Except the scenery of the Alps, and of some parts of Italy and the Tyrol, I was not surprised at any thing I saw. I expected much more vivid impressions than I received from mingling with the crowds of foreign nations. Venice was the only place that at all excited [me] from the indifference with which I saw the great towns—a feeling very similar to that which I experience in passing through Birmingham or Shrewsbury. It is not my intention to describe anything but my own sensations. You must visit these places yourself to be convinced of what I say.

“Living in Italy is not so cheap as you think. In Paris you can live for half the sum. In the great

towns, your dinner costs five francs, your breakfast two, and your bed at least two more. There are no restaurateurs. You may live cheaper, but no gentleman, either stranger or native, does. We paid at this rate everywhere. I have been since informed by natives, with whom I travelled, that these are the regular prices; but, when you are in the act of travelling, you live for much less, if you go by voiturier. You make a bargain with him for your diet and lodging at the rate of about four francs a day. He gives you only a supper and bed; your breakfast you provide for yourself. But there are many inconveniences attending this mode of travelling. You set off at about four every morning, for which you are sure to be called at three. You travel only thirty miles a day; you arrive at night where you are to rest: your voiturier gives you a bad supper, and immediately after, with a stomach cram-full, you go to bed, to be awaked in a fever the next morning. To balance this, you have economy, and the society of the natives, for the loss of which nothing can compensate.

“I think you might travel from Paris to Geneva for seven Napoleons, from Geneva to Milan for seven more, and to Venice for three. I am parti-

cular in these things, because I know they interest you.

“I found Paris exceedingly disagreeable. The air is so loaded with stench of every kind, that it is quite irrespirable. You can have no idea of the hatred that is publicly manifested towards the English there. We never went out without being insulted. I dare say you have experienced that kind of fear which a man feels upon finding himself in a great crowd, from which he cannot extricate himself;—that was invariably my sensation in the streets of Paris. I am not surprised that the Parisians are light and hasty; they have no room to reflect—a man cannot reflect without solitude, and the Parisians have it not.

“The towns in Italy have a much more civilized aspect than those of France; they all possess foot-paths; the shops are as rich, and the houses better. The climate is certainly very delicious, but there is not so much delight in it as travellers tell us. This I am certain of, that the sensation of comfort, which can only exist in a cold climate, more than counterbalances the most luxurious relaxation of the Italian air. You cannot conceive how I enjoyed the first piercing night on the Tyrolese Alps, when

I found myself wrapped up between two featherbeds; and if the animal enjoyment of both these sensations is equal, ours possesses this political advantage over theirs, that, being only possessed by those persons who are in easy circumstances, it engenders industry; whereas theirs, being within the reach of everybody, begets indolence. In truth, labour is incompatible with the enjoyment of it. Not so with ours—it is not only acquired by labour, but may be enjoyed in the very act of labour.

“I intend going home through the Low Countries. To-morrow I shall set off in the diligence for Lindau, on the Lake Constance, where I shall embark for the city, to which it gives its name; from that, the Falls of the Rhine at Schaufhausen, and down the Rhine. I wish you to write to me, directed to Brussels, whether you will be in London on the first of November, and if not, that you would devise some means of leaving five pounds for me in London, as I may be taken short of money. A letter directed to the General Post Office, London, would be a good mode of communicating.

“Yours,

“S. WOULFE.”



Although Woulfe's professional career must, in its result, be regarded as eminently fortunate, there was, as to himself personally, one formidable drawback, in his latter years known, but for a long time unknown to the public, against which he had to contend through almost all the intermediate stages of his progress. This was an infirm bodily constitution—infirm, not in the sense of inability to bear bodily or mental fatigue, but in a liability to disease in one form or another, and an obstinate resistance to all the efforts of medical skill. From the time that I first knew him till about four years after, it was not suspected by any of his companions, nor by himself, that he was destined to pass so many of his future days as an invalid. In his frame there was no apparent delicacy; it was slight, but all its movements free and healthy: and so of his countenance; though the features were rather thin and sharp, the expression was usually animated, often joyous, occasionally grave and thoughtful, but never depressed. As I write, I remember that, about this period, a small party of his friends (he not being present) amused themselves by going through some of the leading varieties of the canine species, and discovering a fanciful resemblance between each of them and some

member of the Bar. Matches for the bull-dog, and spaniel, and cur, were easily found. There was more discussion in finding the fittest representatives of the lurcher and poodle, and so on; but when the greyhound was named, and Sheil on the instant cried out "Woulfe," the likeness of the kind they were searching for, even to something curious in the details, was at once admitted. In both there was the tall and slender frame—the keen eye, the pleasing elongated face; both were so calm and gentle when at rest, both so quick and bounding when excited. But to pass on. It was some short time after the summer circuit of 1817, during which he had enjoyed his ordinary health, that, having been absent for a while from Dublin, I called upon my return to see him. I had had no intimation that anything had been going wrong with him, and at first I suspected nothing; but we had scarcely sat down to converse, when I perceived a painful change in his appearance. He did not look physically unwell; but in the altered tone of his voice, and the anxious expression of his countenance, I saw that something serious must have occurred; and I soon learned from him that there had been too much cause for the state of depression in which I

fidential. His apprehensions might turn out to be groundless, in which case it would be of importance, with a view to his professional interests, that the fact of his having had such an attack should not be known. He was fully aware that the distributors of business to the Bar regarded (and not unjustifiably) infirmity of health as a disqualification almost equal to legal incompetency.

There was no recurrence of the attack. In the following month of October we met in London, and as I found that he was as yet not free from uneasiness on the subject, I advised him to take the opinion of a recent acquaintance of my own there, Dr. Badham, whom I had been led to regard as an able and cautious man, and who, I was certain, would not omit any known method of discovering whether there was or was not any latent tendency to disease of his lungs. This was done, and Woulfe had the comforting assurance that, according to every indication, his lungs were perfectly sound. The result proved the correctness of the physician's opinion.

The year 1819 was marked by an important incident in his life,—the more important, because it was one for which he was solely indebted to himself. Early in that year he published a political tract

determined, what his altered plan of life was to be. He would, doubtless, be advised to transfer himself to a milder climate, and as no member of his family was dependent upon him for support, he was under no domestic obligation to remain in Ireland. His own income, though limited, was certain, and from what he had ascertained about the expenses of living abroad (when on his journey to Italy two years before), he knew that it would be ample for the purpose that he was meditating; this was to fix himself in some desirable spot in the south of France, or in Switzerland, or Italy, and to find occupation there in literary pursuits, and, it might be, to produce some things not unworthy of publication, either in the form of a separate work, or as contributions to one of the leading Reviews. He, as yet, had not been thinking of any particular subjects; but there were more than one, he said, of general interest, such as political economy, law-reform, and matters of that class, upon which he had a strong presentiment that he would be able to strike out views that would be received by the public as original and sound."

Before I left him, he told me to consider the communication he had made to me as strictly con-

Plunket's, was also prodigal in his encomiums. Woulfe's production was sent by Plunket to Lord Grenville, and that practised statesman pronounced it to be "in his opinion the ablest piece of political writing that had appeared since the days of Burke."

All this was high praise, and praise from such quarters was of the kind, upon which all the writer's previous habits of thinking and feeling led him to place the greatest value. Before this, he had occasionally attended, and spoken with applause, at public meetings of the Roman Catholics; but his few appearances there had been more from a sense of duty, than from inclination, for he had little taste for the triumphs of the platform. His ambition, then, as in his subsequent life, was to establish a claim to stand high in the estimation of estimable men.

I do not propose to offer any elaborate analysis of this pamphlet. Fortunately, the main question with which it had to deal is now obsolete; still, as it presents some trains of thought applicable to questions that are still living, and likely to be long-lived, and as it is almost the sole written record of the author's intellectual peculiarities, I cannot, in justice to his memory, abstain from extracting some

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passages. In order to render them more intelligible, a brief advertence to the plan of the work is required; and, as to this point, its title is, to a certain extent, explanatory. It is entitled, "A letter to a Protestant, or the Balance of Evils; being a comparison of the probable consequences of emancipating the Catholics of Ireland, with those of leaving them in their present condition."

With respect to the first branch of the subject, "the probable consequences of emancipation," at the time that Woulfe wrote, many of the old arguments against the measure had been abandoned, and the continued resistance of its opponents now mainly rested upon the one (to them) insuperable objection, thus expressed by Mr. Peel in one of his recent speeches, viz., "that when they (the Roman Catholics,) become the preponderating body in Ireland, as in time they must, they will endeavour to strip the established Church of her political supremacy, and restore their own to the splendour she anciently enjoyed." In answer to this assertion, the writer of the pamphlet undertakes "to prove, that there are no grounds for attributing to the Roman Catholics, any disposition or desire to interfere with the endowments of the established Church, or to obtain

anything for their own," and with this view he proposes to inquire:—

"First, Whether that they entertain such an inclination, can be fairly collected from their creed, that is, from Christianity in general; or, from those particular doctrines by which they differ from other sects of Christians?"

"Secondly, Whether it can be collected from what history records of the conduct of religious sects in general?"

"Thirdly, Whether it can be collected from those general principles of human nature which we are supposed to arrive at by self-examination or reflection?"

"Fourthly, Whether it can be collected from the demeanour of the Roman Catholics of Ireland, and the character they have recently exhibited?"

These several questions are separately discussed, and the conclusion arrived at is, that each of them must be met by a distinct negative.

In the second branch of the subject, "the probable consequences of leaving the Catholics of Ireland in their present condition," there is no formal distribution into separate heads, perhaps because the writer saw no logical necessity for such an arrangement, but the more glaring of those consequences

are clearly and earnestly exposed. Among them, according to his views, there will be, not only probably, but inevitably, the continuance and increase of evils already existing, deep and acute political discontent, social disunion, popular distrust in the administration of the laws, popular combinations to violate the laws, or to screen the violators from punishment, and, in the perspective, remotely or nearly, according to contingencies, over which a British Government can have no control, the too probable risk of a civil war.

I now proceed to extract a few passages, and in reference to their length, I have to observe, that I could find no shorter ones that would convey an adequate notion of Woulfe's particular style and manner. It was not his habit to present his thoughts in the form of brief, dogmatic conclusions; but, on the contrary, where, as here, he is addressing himself to opponents, he seems to have made it a point of fairness towards them to leave nothing to be conjectured, but to set forth in ample detail the entire process of reasoning, through which he has arrived at, and can defend, the doctrines he is enforcing.

In answering the objection that, according to the evidence of history, the Roman Catholics must



endeavour to subvert the Established Church in favour of their own sect, he proceeds:—

“ The truth is, that the arguments against the Catholics and dissenters from the Established Church which are founded upon history, rest upon an assumption which is falsified by history itself. They assume an immutability in the dispositions and passions of men, which history proves to have no existence. It is proper to brutes to transmit their instincts unchanged to successive generations, but man is by his nature a progressive creature, whose views enlarge, and whose feelings are improved with the accumulation of his knowledge ; his mind opens with his condition : his character, sympathies, and habits, experience the vicissitudes of his fortune : like the elementary particles of matter, which are supposed by philosophers to be unaltered in the various combinations to which they can be moulded by art or accident, the primary principles of human action, our self-love, or pride, or whatever name is to be given to the original passions of our nature, may remain the same at all times and under all circumstances : but the objects to which we are impelled by these passions, the things which we are to minister to our self-love and pride, vary with every age. It will always be the character of man to reach at what he considers to be his interest, to aim at the esteem or applause of his fellow-creatures, to be susceptible of great enthusiasm, and to identify himself with great combinations of the human race ; but it is contrary to all experience to suppose, that he shall always form the same estimate of his interest, that his enthusiasm shall always kindle for the same causes, or that the combinations of his fellow-men, with which he will confound his fortunes, and to which he will transfer his sympathies, for which he will bear to live and dare to die, shall be always put and held together by the same principles. Similarity of colour, of descent, of language, of political feeling, of religion, and of country, have each in their turn

been the connecting principle of these combinations among men. A Mulatto or a White, a Greek or a Barbarian, a Guelph or a Ghibiline, a Papist or a Heretic, a Royalist or a Democrat, have each, at some time and place, been the distinguishing appellatives among men, and the human race has been ranged upon the principles which these terms denoted, into associations offensive and defensive, to which whatever existed of public sentiment for the time was directed ; accordingly, we find that, less than a century ago, the same statutes of the English and Irish parliaments, which deprived natural-born Roman Catholics of the privileges of British subjects, conferred them upon alien Protestants. At present I believe it would be no recommendation to a foreigner, in passing the Alien Office, that he should be known to have ever exercised the Lutheran right of judging for himself upon any subject whatsoever. But of all the principles upon which men have ever been formed into these confederations, identity of country is the best, and identity of religion is the worst ; for exclusive love of our country only limits the sphere of our affections, but does not change their nature ; within the boundaries by which it circumscribes our sympathies, there is abundant scope for all the charities of the human heart. But classification according to religion not only contracts the range of our good will, but sours and corrodes its very essence ; it not merely cuts the web of human society into distinct pieces, but it shoots through its entire length and in every direction, and defaces the texture of each part. Class the human race as you please, some animosities and displeasures will grow from their division ; but the national dislikes which spring from division by country are frequently akin to noble sentiment, and are meek and gentle in comparison with those dark and sullen hatreds which are generated from divisions by religion ; for the individuals whom diversity of country dissociates in interest and in feeling, are for the most part

separated by space, and can only contemplate each other in the abstract—whereas, when the division is effected upon the principle of religion, the dissociated individuals meet and encounter in daily life. They hate each other, not with the imbecility of public sentiment, but with the force and individuality of personal aversion. But, although classification by country is unquestionably the simplest, the best, and most permanent of all divisions which can be made of the human race, yet classification, even by country, is not an immutable arrangement of our species—like all other classes of mankind, nations change, not only in extent of territory, but also, which is decisive on the present question, in the extent of the sacrifices they are able to exact from the individuals who compose them. There is scarcely a state of Europe that does not consist of parts which were once unconnected with, and only knew each other for the purpose of rivalry and detestation, and there is scarcely an age of the world in which men have not changed in their opinions of the duty they owed their country. At one period, devotion to our country is considered superior, and at the next inferior to every other moral obligation; at one time the natural affections, which spring from blood and kindred, are studiously extinguished, that nothing may interfere with our attachment to our country; at another, the duties imposed by the private relations are alone valued, and all pretensions to others mocked at as hypocrisy or folly. When all other human combinations, not excepting the firmest, are thus changing, and when the passions they excite are all susceptible of these vicissitudes, why should we suppose that leagues founded upon identity of religion should alone be permanent, or expect that the notions of what it is our duty to do for them, should continue for ever without change? I confess, I see no better reason why men should be prevented from amalgamating together, and coalescing for the great purposes of life, by

differences in religion, than by the other differences whose power to dissociate has long ceased ; and when I compare the scanty means with which human genius had heretofore to work for the union of mankind, with the mighty instruments, physical and moral, adapted to this end, which it has of late acquired ; when I reflect upon the causes of the separations and divisions in the human race which have already been overcome by the good feeling and intellect of man, and consider how much more seemingly insuperable these causes were than those which remain to be subdued ; when I pass in thought over the difficulties of intercourse, which the arts have vanquished, the multitude of languages that have perished, and the substitution in their place of two or three almost universal tongues ; when I remember the local prejudices and the diversity of creeds and customs which time and mutual interest have rendered inefficacious for the purpose of alienation, I cannot but see that there is something better than mere benevolence in the philosophy which teaches that the causes of division shall continue to diminish as they have done heretofore, and the circle of the human affections shall continue to enlarge, until it embraces in its wide expanse every former class of the human race." [pp. 25-30. 2nd Ed. 1825.]

And again :—

" If the condition of the Catholics was that of a people forming a new country, of which they were the majority, and which had to select a State religion for the first time, without any motive to guide their preference but the partiality which men feel for their own opinions, they would, unquestionably, choose their own ; but this would not be the condition of the Catholics—nothing could be more unlike it : the Catholics would find themselves in the midst of a mighty empire, whose institutions were already formed and consolidated by long

standing, and they would constitute but a small portion of that empire: they would find the political establishment pre-occupied by another church, which was secured in the enjoyment of it by every thing that gives strength and permanence to national institutions: they would find her fortified by the number, talent, and activity of those who were more immediately in her service, by her powerful alliances with every order of the state, by the reasonable presumption of better right, which long possession carries with it: by the religious veneration of which she was the object, and by the general attachment to civil liberty, with which her security is supposed to be entwined, which she immediately preceded, if she did not cause; with which she was assailed, and with which she triumphed. They would find her in strict alliance, offensive and defensive, with the throne—presenting an immeasurable range of patronage to the monarch—ever ready to support those interests which he especially represents, and receiving, in return, the well-earned meed of the most strenuous protection. They would find her in strict alliance with the whole order of the nobles—raising the younger branches of their houses into equality with their parent stem—reviving the decayed splendour of ancient families, or elevating to the patrician rank, by the munificence of her rewards and her dignities, the pious, the learned, and the fortunate. They would find, that she controlled no contemptible part of the third legislative estate, and that her prelates were an essential portion of the second: they would find her subordinate employments ready filled by thousands from every order of the state, all men of education, and, for the most part, of those habits which give the possessors influence in society: they would perceive as many thousands more waiting and qualifying themselves with great labour and expense, to be their successors. In a word, they would scarcely find a respectable family in the country, of which a member does not enjoy, in

possession or expectation, some portion of her princely revenues and titles. To all the persons influenced by such direct and powerful motives to uphold the church, there must be added, to form a just estimate of her strength, a great portion of the empire who were educated in her doctrines ; mostly under the immediate direction of her ministry, and many of the most efficient for attack, or for defence, at the venerable seats of learning where she presides. The Catholics would find all these men of all these orders and conditions combined, and justly combined, against them for the defence of the Protestant Church establishment. Would they, the Catholics, combine for the attack ? Could they hope for, could they be so mad as to expect success ? Could they expect it without interminable bloodshed and a civil war, which could be no other than of extermination ? Could they think to triumph in that civil war ? Would they risk what they enjoyed upon so desperate an adventure ? Time must roll back to the ages of the crusades, before men shall be guilty of such frenzy. Let any honest Protestant, then, place himself in the condition of the Roman Catholics—let him consider the impossibility of success—the signal and merited vengeance that awaits failure—the ferocious strife that must at any rate ensue, be the triumph whose it may—the expenditure of human blood and happiness that must take place : let him consider that he had sworn to maintain the church he was assailing, and that it was through the liberality and generous confidence of her followers that he found himself in a situation to do injury. Let any Protestant put himself fairly in this, the true condition of the Catholic, under these multitudinous motives to remain quiet ; impelled by the single motive, religious zeal, to disturb the public peace, and we shall abide by his report of what is natural to that condition. I do not believe that there is a man in the country but Mr. Peel, (and I would not believe it of him but that he has declared it) who, in such a condition, would think of

"restoring his church to her ancient splendour." (pp. 31-36.)

A little further on he proceeds:—

"The proof that this principle of religious fanaticism, or whatever it is to be called, is not an essential part of the human character ; or if it be, that it is overruled in the ordinary condition of society by the ordinary motives of human nature, does not rest upon theory alone. It is demonstrated by the history of England and of Ireland. From the time of the Revolution to the present day, not one well attested, unequivocal instance of an attempt having been made on the Established Church, either in or out of Parliament, under the *influence of religious zeal*, is to be found : and yet such was the constitution of the parliaments of England and Ireland during that period, that this principle, which urges us to obtain an ascendancy for our church, must have been called into activity among the dissenters, if it existed, or if it were not suppressed by other and better feelings ; for those Parliaments were composed of Protestants who hated the kirk, and of Presbyterians who hated the church, with as much Christian detestation as the Catholics ever felt for either. If any man question the assertion, let him look to the history of the last century ; let him look into the repeated and ineffectual efforts that have been made in England to repeal the test act ; let him read the debates which took place upon these occasions, and let him remember the outrages which they occasioned in various parts of England ; let him read any of the political pamphlets of the first half of the last century, especially of the Tories, and of Swift especially among the Tories. But in despite of the animosity which these things testify to have existed between the dissenters and the Church of England, the Presbyterians of England and Ireland were admitted into a full participation of the power of the State with the Protestants of the Established Church. In Ireland, by a permanent legislative pro-

vision ; in England, by temporary expedients, which conferred all the power which the greatest confidence could have given, and which, perpetuating the hatred which confidence would have soothed, did every thing that was possible to render power dangerous ; but, in spite of these fears, and of this hatred, the Presbyterians of Scotland have shared the legislation of England since the union. The realm of Scotland, with her kirk, has been subjected to a Parliament in England, of which the majority was Protestant. How came it to pass, if it be a necessary principle of human nature, that we should endeavour to establish our respective churches wherever we can, that the Protestants of the Church of England did not endeavour to establish the Episcopal Church in Scotland, and that the Presbyterians of England and of Scotland did not endeavour to abolish episcopacy in England ? How came it to pass, that the Presbyterians of Ireland, who were as numerous as the Protestants of the Established Church, did not endeavour to establish the government of elders in this country ? If it be a principle of human nature that men must endeavour to establish their own church in every country, how does it happen that the Protestant Parliament, Protestant King, and Protestant Ministers of England, do not at once abolish the Catholic establishment of Canada ? Will it be said, that the act of union with Scotland, the acts of settlement in England and in Ireland, and the treaty by which Canada was ceded to us, have guarded against these things ? This is precisely what I contend for : that this dreaded zeal for the establishment of our religion, may be kept down by other means than power ; that it may be, and has been, and is, corrected by better feelings, more potent in their influence, and more congenial to humanity ; that it is effectually subdued by common honesty, by the faith of treaties without sanction, and contracts with imaginary existences ; and would there be wanting to the Catholic motives equally powerful to bind him to his duty ? Is he alone proof against the force of public



opinion, deaf to the calls of gratitude, and insensible to the reproach of broken faith? Would not the acts of union, of Scotland with England, and of Ireland with both—would not the acts of settlement in these kingdoms be as binding upon the Catholic as they have been found to be upon the other dissenters of the nation, corroborated as these acts would be with respect to the Roman Catholic, by the power in the offended party to punish and retaliate, by the certainty of failure in any attempt to violate them, and by the terror of the inevitable vengeance that must attend it? And the truth of these principles is established in other histories as well as ours. How many generations of Mahometan sovereigns have reigned over Hindostan without interfering with its religions. In Saxony the court is Catholic, and almost absolute, and the religion of the country is Lutheran. Does the king of Saxony endeavour to establish popery in its place? I venture to say that he is indifferent to the matter, and that he would be better pleased to recover his lost dominions from his cousin of Prussia, than to restore the Catholic religion in his country ‘to all her former splendour.’ And to what are we to attribute this absence of ambition for their religion in the sovereigns of India and Europe? To the same feelings which extinguish it in the Roman Catholics of this country; to common prudence—to a salutary foresight of the evils to which it must conduct them, and above all, to that wise indifference which we soon learn to feel for any object which clashes with our interests. For it is not to be overlooked, that these common motives of human life not only prevent the action of religious zeal, but extinguish it altogether. Man so loathes the consciousness of having neglected to perform his duty, that whatever course of action his interests or necessities have induced him to pursue for a length of time is ultimately regarded by him, unless it be directly contrary to some great principle of morality, as that which it is most fit and honourable to follow. He feels it so pleasant to reflect that he has

acted as he should, and so painful to think the contrary, that his conscience makes prodigious efforts to approve of whatever he has done ; and if his conduct be at all capable of a favourable construction, it is sure to receive it at the easy and good-natured tribunal which tries it." (pp. 37-43.)

In answer to the objection that Emancipation would increase the power of the Catholic body by leading to an increase of the numbers propagating their religion, he says :—

"That body may gain a few detached deserters here and there, but they will also lose a few. A religion never makes rapid strides in a country where it has been long known ; long acquaintance deprives it of its power on the imagination, and the imagination is its conductor. It is tolerably clear, that the persons who have passed in great numbers from one religion to another never investigate very deeply the merits of the faith which they abandon, or which they adopt : as it is obvious from their capacity and occupations, that logic had no share in their conversion, we must attribute it to the operation of divine grace, or to the dazzling influence of new doctrines on their imaginations. The Protestant cannot apprehend that the first shall ever work against him, and as far as the Catholic religion is concerned he is secure from the latter ; for the Catholic religion is too familiar to the people of these countries to surprise or to amaze—to fill with new fears, or to excite new hopes. A religion that can pretend to nothing of this kind, that can proclaim no new discovery, and can only repeat threats and promises, which are now familiar, is an ordinary object which causes no species of sensation ; its merits and demerits pass by uncanvassed and unheeded ; a more effectual mode of stopping its progress than refutation. In addition to which we are to notice, that we are specially

instructed in childhood against every religion but our own that was then preached. If a religion, therefore, of any standing, happens to awake investigation, which it seldom does, it has to encounter the prejudices of infancy; and arguments prepared of old purposely to meet it. Therefore we find that no religious sect has ever made much progress in a country after the first forty or fifty years of its introduction; it rushes in a torrent while it is hot, but fortunately it cools at no great distance from its crater, and becomes fixed immoveably." (pp. 44, 45.)

In the course of his arguments, he takes occasion to defend his co-religionists against the imputations cast upon them for "calling themselves slaves;" and admitting that they are not so in one sense of the word, reminds their accusers that "there is such a thing as political servitude as well as domestic, which our ancestors always regarded as a great calamity." Of his manner of dealing with this topic, I select the following specimen:—

"Nature has given to all animals appetites calculated for their preservation in the condition she intended for them: but the natural state of man is to live in great communities with his fellow-creatures; he has been, accordingly, endowed with appetites and inclinations that are necessary for the formation and preservation of human fellowship—appetites that are as true to nature, as genuine, and as craving, as those which are employed for his individual support. The desire of friendship, of respect, of honour, of celebrity, of attaining those conditions that invest us with awe and veneration, and secure our memory when we are no more, are as real and as necessary to

the preservation of that condition for which nature framed the human race, as the more ignoble passions which minister exclusively to the safety and gratification of the individual. I would not defraud of their just praise the virtues which aim at the good will and happiness of those with whom we converse in private life ; but they have always been postponed in the estimation of mankind, to those higher passions which urge us to seek the approbation, and labour for the good of great bodies of our species. The virtues and attachments of private life are necessary to form the domestic groups which are the materials of society ; but these groups would have no adhesion with each other were it not for the wider sympathies which encircle the entire mass, and bind us all into one paramount fraternity. Those loftier aspirations and passions which are the foundation of the public virtues, are not so generally felt as the sentiments which constitute domestic worth, because it is not necessary for the well-being of society that they should ; but wherever they do exist, they are not less powerful or less importunate ; nay, they are more powerful—they never clash in noble natures with the others without subduing them. They may not always confer happiness when gratified ; but which of our inclinations and instincts will ? From these political propensities the Catholic is no more exempt than other men ; but from all those things to which they urge he is excluded. To watch for the public safety in the senate—to distribute justice—to punish the guilty—to protect the innocent—to enforce the law against offenders on behalf of the community—to represent his country in foreign nations—every station of dignity and grandeur is refused to him. It is true, that at present he is qualified by law for the highest military honours ; but it is only by an act of the last year this has been effected. He is still precluded from all those chances of attaining to those honours which are enjoyed by the persons whose kindred or friends are admitted to the civil distinctions of the State. He is destitute of all those

helps in the steep ascent which can so easily be given by those who have reached, or are climbing into eminence by other paths. What career is open, then, to the enterprise of the Roman Catholic? He may run through all the sordid departments of the State—I do not mean to speak disrespectfully of any mode in which industry is exercised; but certainly those occupations are sordid where mere gold is to be won, in comparison with those where command and dignity remunerate success. The Catholic is allowed to gather money in the counting-house; he may cultivate the land, and he may go through the drudgery of the law; but it is the drudgery alone of the law that he can have. There is no profession that requires a greater combination of excellent moral and intellectual qualities, more unremitting self-denial, more perseverance, rapidity, and clearness of comprehension, and more general decorum in behaviour than the law; and (were it not for the honours to which it occasionally conducts) there is no walk in life where these qualities might not be more profitably employed: were it not for the chances of the distinctions which it occasionally confers, no man who could earn honourable bread in any other way, would knowingly submit himself to the labour and difficulties which the Bar imposes: but the chances of these distinctions compensate for everything; there is no member of that profession so constitutionally diffident of his destinies, so humble in his estimate of himself, but occasionally cheers his spirit, and confirms his courage by the contemplation of what it is possible fortune may do for him. It is our nature to calculate the magnitude of the prize rather than our chance of winning it: some degree of hope almost always mixes with our wishes, and we can judge how tardily and reluctantly it deserts us, from those secret suspirations to be foremost in the race, which we are not altogether able to repress when every reasonable expectation is extinct, and when the utmost we dare openly to pray for is, that we may not be the last upon the course. But these possibilities which sus-

tain so many, confer no strength or consolation upon the Catholic. He must never lift his heart beyond the subordinate departments, where his emolument, be it what it may, can never recompense his labours; hope, which comes to all, can never visit him, and on he plods through life beyond the range of the contingencies which give dignity to the toil of others, and assuage it." (pp. 47-51.)

Before passing on from Woulfe's pamphlet, I must shortly advert to one portion of it towards the conclusion, in which his views and reasonings acquired, from subsequent events, a sort of prophetic significance. He points to the risks of civil war. Upon this topic he is earnest and explicit. His words are :—"It is idle to disguise the truth; if the Catholics ever cease to hope for relief from the Legislature of their country (which they, as yet, have never done), they will seek it wherever they are likely to find it. They will avail themselves of the first opportunity, if opportunity should ever come, of taking, without asking, what they had asked, and were refused." (p. 80.)

He then goes on to enumerate some of the possible events in which such an opportunity may be found—a return of war—a formidable conspiracy in England, of doubtful issue—the latent fires in the continental states, wanting but a spark to

kindle them into revolutionary explosions — the effects of “the dilating grandeur of America;” and after comparing the reasonable probability of the occurrence of some such events within no distant period, with the remote, and (as he insists) imaginary dangers to the established church from the measure of Emancipation, he thus concludes:—“The longer I live, the more I learn to be surprised at nothing; but, I confess, it does amaze me, that men should be so keen-sighted into the most remote futurity to descry something that may justify division and disfranchisement, and not be able to see a single one of the thousand things so much nearer and so much larger, that recommend conciliation and benevolence,” (p. 84.)

Thus, Woulfe, writing in 1819, distinctly points to civil war as the forlorn hope of the Catholic question; and every one acquainted with him knew, that in doing so, he had no factious motive, that he was not uttering an idle threat, but delivering a deliberate opinion. At the time, many differed from it; but, in ten years after, it became the opinion of the Prime Minister of England. In 1829, the Duke of Wellington, in proposing the Catholic Relief Bill, and apologising for its introduction, relied, as

his argument of arguments, upon the approaching danger of a civil war in Ireland, if that measure of conciliation should be any longer withheld.

This production, in which the writer had throughout evinced his capacity of taking manly and comprehensive views of questions of the highest public import, at once established Woulfe's reputation; but, although at later epochs of his career, the character he had thus won for himself, proved to be of essential service, it in no way aided him in his efforts to advance in his profession. The immediate effect was more likely to be the reverse; the simple reason being, that the branch of the profession to which he had to look for business, regard with diminished confidence any barrister (and more especially a young one), who allows any collateral occupation to distract him for a moment from an exclusive surrender of his time and thoughts to legal subjects. Of this Woulfe was fully aware; and as success at the Bar continued to be the most important of all his objects, he resumed his strictly legal studies and habits with increased assiduity; and with respect to this subject, and generally to his career at the Bar, I may as well here, as anywhere



else, set down the little that occurs to me as requiring to be stated.

He had come to his profession, according to the custom of the time, without much previous insight into its minute, practical details; but as to some most essential particulars, he was far from being unprepared. He had never been, in the ordinary phrase, a severe student, but he had read the leading elementary works of modern date, upon law and equity, and the new editions of older works of authority with modern annotations. These he had studied, and may be said to have mastered; for he had from nature that precious quality of mind for all investigations, which, unrepelled by difficulties, never tires in exploring any doctrine to be acquired, until its guiding principle is discovered, and firmly grasped. He had thus, from the outset, a large and multifarious stock of legal principles. These his retentive memory had made familiar knowledge, and having in combination with the power of obtaining such knowledge, a quick perception and an intellect pre-eminently logical, he showed a ready facility in bringing any subordinate question that he had to deal with in practice, within the particular principle by which it was governed. As to his qualifications

for the transaction of business in public, it is merely to be observed, that from his earliest appearances in the courts (and for a long time they were upon occasions of no general interest), he showed no want of self-possession in the exercise of his faculties; and that, although his elocution had no remarkable merit, and was even somewhat impeded by an organical difficulty in pronouncing the letter *r*, he had always at his command a supply of fluent, accurate diction, quite sufficient for all the purposes of forensic debate. Being thus without any predominant aptitude for the practical details of the profession he had chosen, but, at the same time, uniformly proving himself to be thoroughly competent to discharge any duties confided to him, he advanced for some years steadily, but slowly; so that if he had no reason to be very sanguine, he had none whatever to despair of ultimate success. From the time that he was first becoming publicly known, his reputation, as to his strictly professional capacity, was considerably beyond the extent of his business; and, as in the course of his progress he had the opportunities of appearing more frequently in the courts, he seldom made an argument upon any question that demanded the exercise of the

powers he possessed, without leaving an impression that, if the question had been one of greater moment, his argument would have been of a higher order.

If Woulfe had been originally free to gratify his own taste, the Bar would not have been the profession of his choice. His preference would have been for some one or more of those higher objects of human pursuit, in which he had an instinctive consciousness that he would have excelled; some branch of abstract science, or political economy, or codification, or, above all, if it were not so far beyond his reach, a state career; still, although he had anything but a natural relish for the technicalities of the law, his dislike to them was not greater than is usually felt by all, who have to encounter them for the first time, after their tastes and habits of thought have been previously formed by a liberal education. He found much that was sufficiently repelling to such a mind as his, much pedantic absurdity, provoking obscurity, needless complexity of proceedings, and so forth; but they were to be studied and understood, and he never turned away in disgust from the task. On the contrary, although he was constantly denouncing, some-

times angrily, sometimes jocularly, the monstrous excrescences and defects that deformed our legal system, the impulse of his mind was to meditate upon them, to trace them to their sources, and where they were remediable, to devise the remedy; and the result of his long consideration of those matters was, that, in the course of the year 1822, he had nearly completed a treatise (intended for publication) upon the first of the subjects on which he proposed to develop his views, the "Amendment of the Laws of Real Property in England."

In reference to this design, in the month of October in that year, when I happened to be in London, he wrote me the following letter. The periodical he was thinking of, and which by mistake he calls the *London Magazine* was the *New Monthly*, then edited by Thomas Campbell. He had the year before written for it a review of Godwin's recent work on Population, and had been apprised by me, that further contributions from him would be very acceptable.

" Dublin, 13th October, 1822.

" My dear Curran,

" I have, during this vacation, devoted myself to the preparation of a work, of which I formerly spoke

to you. It is on the necessity and practicability of amending the laws of real property in England. The object of this letter is to consult you upon what I had best do with the results of my labour.

“ The work would run to the length, I think, of about 150 pages of loose octavo print, or of about 70 of the London Magazine. There are five chapters, on distinct subjects treated of. I have treated and explained the subject, *en passant*, in such a way as to make it intelligible to lay-gents of good understanding, who will take the trouble to think. It will not cost them more trouble to understand it than to comprehend the severer articles in the periodical publications on Metaphysics or Political Economy. The reviews of Malthus, and Godwin, and Dugald Stewart, and the Corn Laws are at least as difficult, and a great deal less satisfactory, regarding the soundness of conclusions, &c., than my work. You know I think aloud when I speak to you, therefore I will not disguise, that I think I have succeeded well in the task I undertook. I have not attacked petty defects which are observable to every eye, and require no sagacity to remove, such as the use of John Doe, the return of writs, &c. &c., neither have I touched on fines and recoveries, which, though

monstrous evils, are so glaringly useless, and so detached from the rest of our system of laws, as to be easily cut away. What I have effected is this; I have sought for, and found, such general principles as pervade a great extent of our laws, and produce uncertainty and litigation. These I have exposed, and traced their operation as far as it reaches. I have sifted the quantity of litigation that arises from the natural defect, of language, and from the laws of general policy, from the quantity that arises from those widely-spread principles of an artificial and remediable character. I have enumerated these principles, and laid them bare for the axe. I have examined how far the abrogation of these principles would introduce uncertainty, or even temporary obscurity into our code; and I have (I think) shown, that no possible inconvenience would result from it, except that a great part of what we have been studying for years, would become as useless and as obsolete as the laws of Chivalry, or of Tanistry.

“ I would prefer publishing the work with my name to it, if I got a fair price for it. It has cost me much thought, and no one could write it but a lawyer. It required that I should trace principles of law through all their ramifications, to ascertain

their actual effects, and to see what would be the consequence of doing them away. I will not therefore give it for nothing. If it cannot be sold, I would be satisfied to publish it in successive essays in the *London Magazine*, reserving the copyright for future publication in a separate volume to myself. I could easily make five or six essays of ten pages each, of the manuscript, one of which might be inserted in the magazine at one time. I do not think it would be too technical for it. It would, as I before observed, be intelligible to, and I think read by, the scientific part of popular readers—to barristers, solicitors, students, and retired men of the law, of course it would. There was an article on Bentham's *projet* for a code in the *Edinburgh Review* of the year before last. It was such as any one could have written, and I know mine is both deeper and more interesting. Will you be good enough to consider for me what I should do. The magazine appears to me the most eligible plan, as I will receive a fair remuneration now, and have my future chance for more. Independently of the labour the work has cost me, which makes me loth to part with it for nothing, the price of fifty or sixty pages in the *London Magazine* would be an object

to me in these times. Indeed, I would be glad to establish a connexion with the *London Magazine* through the means of this work. I know it will serve them, and then they will appreciate my future communications better. I do not think that they set sufficient value upon my article on Malthus. They paid me well, but they apologized in a note for the doctrines. In the *Edinburgh Review* on Godwin, they condescended to take almost verbatim my animadversion on a gross, though generally unheeded mis-statement of Malthus's doctrine by Godwin. They also adopted my observation on the error Godwin made in supposing nine births to a marriage necessary for the duplication of population in twenty-five years. Let me hear from you, as I am still at my work, and a little difference should be made in the plan if it appears in the magazine.

“Truly yours,

“S. WOULFE.”

I, of course, at once communicated Woulfe's proposal to Mr. Campbell. The matter was fully considered by him and the publisher, and the result was their opinion, in which I could not but concur, that though a single contribution of moderate



length upon such a subject, treated as it would be by a man of Woulfe's ability, would be valuable and welcome, still, that a series of such articles would be of too severe a character for the class of readers upon whom they mainly depended for the success of the *New Monthly Magazine*.

Though Woulfe failed in his desire to present the result of his labours (as far as they had gone) in this particular form, he remained fully intent upon publishing them at no distant day as a separate work, with such enlargements as further meditation might from time to time suggest to him. But the day of publication never came. Between his increasing business at the Bar, and the languor of ill-health, for he was already becoming an invalid, and the cessation of any pecuniary object, he postponed the matter from year to year, until he was unexpectedly forestalled by another. In 1826, there came out Mr. Humphreys's book<sup>1</sup> on the same subject; and Woulfe on perusing it, found it, in the general views, and mode of treatment, and proposed amendments of the law, to be so nearly identical

<sup>1</sup> *Observations on the actual State of the English Laws of Real Property, with the Outlines of a Code.* By James Humphreys, Esq.

with his own work as to convince him that the latter, if now published, would be without any claim to originality, and so he at once dismissed the project from his mind.

After the publication of the "Letter to a Protestant," however gratified the writer might be at its success, he had no expectation that he was to derive any benefit from it beyond the general but indefinite advantage of being known as the author of so able a production. But highly to the credit of one of his readers, whose mere approbation he had regarded as an ample reward, this was not to be. In about two years after, a modification took place in the policy of governing Ireland. Plunket was once more the attorney-general. Although this eminent man was of a cold and, excepting to a few, of a rather repelling exterior, he was (as was well known to his few intimates) not only warm and stedfast in his friendships, but capable of the most generous emotions in favour of strangers, who, as such, had no claim but that of merit upon him. As attorney-general, he had the exclusive patronage of certain offices, and upon the occurrence of a vacancy in one of them, he remembered Wolfe, and, unsolicited, appointed him to it. The place was that of

prosecuting counsel for the crown on the Munster circuit.

This was an event of no small importance to him. The duties of the office in no degree interfered with his ordinary professional pursuits. Its income fluctuated between £700 and £1000 a year. The appointment informed the public of the estimation in which he was held by such a man as Plunket. These were no trivial considerations. There was also one more—a matter of individual sentiment upon his part—which gave a peculiar value to the favour conferred upon him. He had some time before formed a matrimonial alliance, which promised, as it proved, to be the most fortunate event of his private life. At the time he had, as to worldly means, only a small assured income, and the chances of a precarious profession. On the other side there had been a considerable independent fortune, which the youthful heiress had, with womanly generosity, surrendered as her contribution to the household stock, without a thought of an equivalent. That equivalent the husband was now in a position to supply.

This exercise of his patronage by the Attorney-General, apart from the motives that influenced

him, and the private service it rendered, was in itself a remarkable public fact. It was one of the first, if not the very first instance of a departure from that penal policy which had uniformly excluded Roman Catholic barristers from those places of trust and emolument, to which, since the Act of 1792, they had been legally admissible. Before the vice-royalty of Lord Wellesley, there had been one solitary exception, or rather attempt at an exception. Soon after the Union, a duly qualified Roman Catholic member of the Bar, to whose family the Government was under obligations for their support of that measure, was nominated to the office of assistant-barrister; but the magistrates of the county having revolted, the appointment was cancelled, and a pension substituted.

The change thus commenced under Lord Wellesley's government was quickly followed up. Before the lapse of three years, three Roman Catholics were on the list of assistant barristers.

The next date to which my recollections of Woulfe have now brought me, is the summer of 1827. I had been absent for some time from Dublin, and on my return received a note from him, desiring to see me at a villa-residence in the vicinity, which he had

taken for the season. It informed me that since we last separated he had been seriously unwell, and that though still extremely feeble, he was, under the advice of his physician, about to cross over to England in a day or two, for change of air and scene.

I was much shocked and alarmed at his altered appearance. He was so weak as to be confined to an arm-chair. To the few words of hope that I tried to utter, he replied that he was himself almost without hope; that there were already ominous swellings in his feet and ankles, indicating, as he feared, the approach of a confirmed dropsy.

When I left him upon this occasion, I was under a strong impression that I had seen him for the last time; but he soon rallied, and, as far as regarded that particular attack, recovered. His restoration, however, was not to good health. He had still to contend against a malady, now become chronic, which was progressively to increase, and from which he was never to recover. This was an organical affection, so obstinate as to baffle the skill of the most eminent surgeons of Dublin, London, and Paris; and of so anomalous a character, that its precise nature was never clearly ascertained.

From about this time forth, Woulfe had the grati-

fication to find that his reputation for ability, and his personal character were making him the object of attention from Englishmen of rank and station.

During Mr. Lamb's short stay in Ireland as chief secretary, he made it a point to become acquainted with Woulfe, invited him to his house, liked him at once, and was subsequently, when Prime Minister, his warm political friend.

In the early part of 1829, Mr. Lamb's successor, Lord Francis Leveson Gower, wholly unsolicited, obtained for Woulfe the office of Assistant Barrister for the county of Galway, the income of which was £900 a year.

Lord Anglesey, during his first brief vice-royalty, had not known him, and, it may be, had not heard of him; but he heard of him before his return to Ireland, as Lord Lieutenant in 1831, and, before the lapse of a week from his arrival in Dublin, intimated his desire that they should be acquainted. When they met and conversed, Lord Anglesey, like Mr. Lamb, immediately appreciated him, and thenceforth kept him steadily in his view, as a man to be advanced by his Government.

Towards the end of the following year (1832,)

Woulfe resigned his office of Assistant Barrister. In thus voluntarily surrendering so large a portion of his income, it was generally supposed at the time, that he had done so upon the ambitious calculation, that the step would further his objects of higher promotion in his profession. But he had no such motive, nor when he took the step did he for a moment contemplate the results that, in point of fact, ensued. The sole cause of his retirement from this office was the unfortunate state of his health. He had discussed the matter with me a good while before; his malady had been increasing, and his sufferings from it were always aggravated by the act of travelling; he accordingly determined to diminish the number of his long periodical journeys, either by abandoning his circuits altogether, and, along with them, his office of Prosecuting Counsel, or by resigning his Assistant Barristership; after much consideration he decided upon the latter course.

In 1833, in one of the cases on his circuit, in which the Crown prosecuted, he greatly distinguished himself. The case was connected with the popular resistance to the payment of tithes, and was regarded by the Government as one of considerable import-

ance. The Crown was prepared with evidence clearly establishing the guilt of the prisoner; the doubt was (as in so many other instances then and since,) whether all the jurors to be empannelled on the trial, would have the firmness and integrity to find a verdict according to the evidence. O'Connell was for the defence, and succeeded in making a formidable impression on the jury. Woulfe was the Crown Counsel, upon whom it devolved to reply, and he did so in an address of so much power as completely to take the jury out of O'Connell's hands, and to secure a conviction.

Lord Anglesey, having been informed of the great and useful ability displayed by Woulfe on this occasion, lost no time in ascertaining from the Chancellor (Lord Plunket,) whether there was any mode in which they could show their sense of his claim to their consideration. The only mark of distinction that, at the time, could be offered him was a silk gown, and he was immediately promoted to the rank of King's Counsel.

From his general character, and from the estimation in which he was held by leading men of the political party to which he belonged, he was now on the way to the higher honours of his profession, and he had not long to wait. In 1835 he was made a



Sergeant, and in consequence of the deaths of no less than three judges within the next two years, his further ascent was unusually rapid. In 1836 he became Solicitor-General, in the following year Attorney-General, and in 1838, upon the death of Chief Baron Joy, he was raised to the bench as Mr. Joy's successor.

During the two previous years, he had sat in the House of Commons, as member for the borough of Cashel.

There remain to be noted down only a very few particulars relating to the too short residue of his career.

It happened, unluckily for him, that the judicial office in which he found himself placed, was, at the time, the most laborious of any in Ireland. From various causes the Exchequer had been the favourite court with solicitors and attorneys for the institution of civil proceedings; hence a large mass of business to be disposed of by the "full court," and, in the sittings after term, a long list of nisi-prisus cases, which it peculiarly belonged to the chief baron to try. This, with the addition of the two regular circuits, was more than he now had physical strength to meet. If he succeeded for a time in performing his onerous duties in town, the effort was sure to

cause a serious aggravation of his malady. He did not venture to go a single circuit. He soon found that he could not allow this state of things to last, and accordingly, towards the close of the year 1839, having been strongly advised by his medical attendants to withdraw himself at once from all laborious occupation, and to seek for quiet and recreation in some change of scene, he arranged with the government that he should be absent from Ireland for a period not exceeding a year, and that if, at its expiration, his health was not improved, he would retire from the Bench.

And here, as connected with this subject, I cannot avoid mentioning a circumstance, of little moment in itself, but, as it struck me, curiously illustrating the absence of selfishness in Woulfe's character.

I had not been in Dublin for some time, and was ignorant of the arrangement made, but hearing, on my return, that he was about to leave Ireland for the continent, I called to pay him a farewell visit. I found him looking so ill, and so utterly worn down, that I earnestly urged upon him, as I had often done before, the prudence of his putting an end to the struggle, under which he was sinking, by an immediate resignation of his judicial office. He told me "that, as regarded his health, he perfectly

agreed with me, that his most advisable course would be to retire, but that there were difficulties in the way which had hitherto deterred him from taking that step; that if he retired, he would have to look for some superannuation; that in such a case as his (a resignation after so short a period of service), the only way in which the thing could be done would be by an annual motion in the House of Commons that the sum to be awarded him should be included in the estimates; that to this course, as affecting the government that had promoted him, there were many and great objections." He was proceeding to enumerate them, when I interrupted him; for I saw, to my surprise, that he was speaking in ignorance of his legal rights under the Irish statutes that provided for the cases of retiring judges. It so happened that I had very recently had occasion to look into them, and I perfectly remembered that under one of them it was provided that a retirement on the ground of bodily illness (no matter how short the period of service) was to be equivalent to a retirement after a service of fifteen years. Upon my stating this, he was rather startled, but expressed his doubts of the accuracy of my memory. The statutes, however, were close at hand, and on referring to them (which he had never done before),

he had the satisfaction to find that his legal position in the event of his resignation, would be so different from what he had been supposing.

I came away, not apprehending that we were never to meet again; but so it was to be. He left Ireland in a day or two, and made his way to Baden-Baden. He there consulted a surgeon, who advised an operation, confidently predicting its success. The patient was not so sanguine. Before it was performed, he wrote or dictated a letter, intended to be, in one event, a last farewell to his friend and earliest patron, Lord Plunket: and, in referring to the proposed operation, said that he expected its result would be either some substantial relief, or a speedy and final release from his long sufferings. In the course of two or three days after Lord Plunket received this letter, there came to him another from Baden-Baden, announcing that Chief Baron Woulfe was no more.

The incidental remarks in the foregoing pages contain all that it has occurred to me to say with respect to Woulfe's forensic career; nor do I find that the short tenure of the higher offices to which he was raised presented anything sufficiently remarkable to be dwelt upon. While Attorney-General, the

official duties he had to perform were merely those of ordinary routine; and the same may be said in regard to the limited period during which he sat as a judge. I have heard from members of the Bar that on the first occasion that he had to preside in the trial of *Nisi Prius* cases, he far exceeded the public expectation in his familiar knowledge of the law applicable to the points arising in such cases, and in his promptness of decision.

His parliamentary speeches were very few,<sup>1</sup> and those chiefly upon the Reform of the Municipal Corporations of Ireland. They made a most favourable impression on his audience, and received attention and praises from leading public journals. They present the same qualities of mind, in a more con-

<sup>1</sup> For this there was too sad a cause. In a letter from London of the 3rd Dec., 1837, he says:—"I am sorry to tell you that I have, for the last three months, suffered enormously from my old malady. The doctors here seem not to know how to treat me, and I fear I am sinking under it. It luckily happens that the business of the house and of my office give me very little trouble—not any that at all interferes with my health—but I am incapacitated from making those exertions in several ways, which might be useful to the party, and to myself individually . . . . What I say about my health is private. Unless a great improvement takes place in regard to it, a change of administration would be no injury to me, and the continuance of the present administration of no benefit."

densed form, that distinguished his early production—wide views, vigorous logic, sound and acute inferences from the principles of human nature, combined with argumentative candour, and conveyed in language too clear to be misunderstood.

Here I ought, perhaps, to conclude; but before I do so, I am induced to add, as not unworthy of notice, a few particulars relating to Woulfe's habits, mental and moral, which my long intimacy with him enabled me to observe. I shall not attempt to give them undue importance by any artificial classification, but shall set them down in the casual order in which they occur to my recollection.

His general reading, though in one sense not extensive, in another may be said to have been so. As compared with professed scholars, he had not read many books, but he had read some of the best upon most of the important subjects of human inquiry; and applying to their perusal the same faculty for searching general principles which I have attributed to him as a student of law, he persevered with each of them, until he had learned from it whatever lessons of any value it had to teach. His studies in this way, so far as they went, had been chiefly before his call to the Bar. After that period,

though he reflected much and constantly upon many important questions, other demands upon his time obliged him to confine his habitual reading very much to the periodical publications of established repute, the principal of them being the Edinburgh and Quarterly Reviews.

From the use that he made of historical facts in the "Letter to a Protestant," it was inferred (as I have seen it stated) that he must have profoundly studied history; and he may be said to have done so, but only in the sense above indicated. He had read very few historical books, and those were the mere ordinary standard works; but he meditated over the facts they recorded, compared the actions and passions of men of past times and other countries, with the scenes that the world of his own day presented, and with an intuitive sagacity, separating the accidental and fluctuating from the essential and unchanging, seized and appropriated the real truths which history has to tell. In his capacity of thus rapidly extracting sterling knowledge from comparatively scanty materials, his mind (as in some other respects) was very like Lord Plunket's; and doubtless it may be truly stated of such men, that (notwithstanding their limited reading) they had

been profound students of history. Men of this stamp rise from their studies, not merely with a knowledge of what was, but reflecting on the past, they acquire a prophetic spirit, and may be said to extend their reading into the history that is yet to come.<sup>1</sup>

In Woulfe's literary tastes there was nothing peculiar, unless it can be considered as a peculiarity,

<sup>1</sup> It has been repeatedly and strangely imputed to Plunket that he pronounced history to be "*no better than an old almanack.*" There never lived a man less likely to utter a reckless dogma of the kind. It is quite true that he used the words, but he did so in a sense directly the reverse of that imputed to him. They occurred in his speech in the House of Commons on the Catholic Question in 1825. There never was a perfect report of that speech; but the passage into which the phrase was introduced, as given in Hansard's Parliamentary Debates for that year, sufficiently shows the real sense in which the speaker employed it. "While man would sleep or stop in his career, the course of time was rapidly changing the aspect of all human affairs, and all that a wise government could do was to keep as close as possible to the wings of time, to watch his progress, and accommodate their motions to his flight—arrest his course they could not; but they might vary the forms and aspects of their institutions so as to reflect his varying aspects and forms. If this were not the spirit which animated them, philosophy would be impertinent, and history no better than an old almanack."—(*Han. Par. Deb.* 2nd series, vol. xii. p. 808.)

It is probable that Plunket had on his recollection a passage in a book with which he was quite familiar—*Boswell's Life of Johnson*. On the subject of history, Johnson says,—“We must consider how very little history there is; I mean real



that being free from any exclusive preferences, he had a cordial welcome for excellence of all kinds, no matter in what style conveyed, or to what department of literature it might belong. Among the writers of eminence, there were two who, from his frequent reference to them in conversation, must have been his particular favourites,—Bacon and Edmund Burke. He had on his memory all the fine things in Bacon's *Essays*, and often quoted them. He found in them the qualities which always won his special admiration,—the power of thinking originally and profoundly, combined with the rarer power of imparting dignity and brightness to the thought by high poetical illustration. It was the similar union of wisdom and imagery, so profusely scattered through the writings of Burke, that, in spite of some defects, made Woulfe study and refer to them as great models of reasoning and style.

From what has been just said, it might be inferred

authentic history. That certain kings reigned, and certain battles were fought, we can depend upon as true ; but all the colouring, all the philosophy of history is conjecture." *Boswell*. —"Then, sir, you would reduce all history to no better than an almanack, a mere chronological series of remarkable events." —(Vol. v. p. 312. Ed. of 1836.)

that when Woulfe himself became a writer or public speaker, he would be found presenting, or labouring to present, examples of the particular merits which he so much admired in others ; but it was not so. In his powers of discrimination, his unflinching logic, his earnest, moral tone, the occasional form and rhythm of his diction, and most of all, in the power of projecting his mind to the remote limits of a wide circumference in search of fresh materials when those at hand were exhausted ; in these respects he often resembles Burke. But there the similarity ends. The fancy which irradiated the style of Burke is wanting. In Woulfe's Political Tract, extending to more than a hundred pages, there are, I think, only two formal illustrations, one at the close of a passage already cited,<sup>1</sup> and another in which, referring to the impunity of crime in Ireland, he represents the law as "a giant, exhausted in ineffectual efforts to apprehend the guilty, and grasping for its victims through the island, like what the poets feign of the ancient Cyclop,—furious, blind, and baffled."

The fact was, that this able man, though sensitive in a very high degree to poetical beauty, whether

<sup>1</sup> Ante, p. 32.

as found in the great master-pieces of poetry, or as adorning and elevating prose compositions, was himself without this creative faculty. He had very little of that kind of imagination that can be turned to account for such purposes. He was fully aware of his deficiency in this respect, and often spoke of it in a half-lamenting, half-jocular tone. He has told me, that in his earliest attempts at composition, his great ambition was to produce a style, duly illuminated, when the occasion required it, by illustrative imagery; "but (he would go on to say), I soon discovered, that in order to gild my periods, I must have gold; and for gold I sought in vain." He found the search (he said) "dreadfully brain-racking work," and likened it to the labour "of breaking with a crow-bar into the centre of a solid rock, in order to reach some precious metal, supposed to be embedded there."

This want was, in itself, no more than the mere absence of a very rare natural gift. He had, however, one positive and striking natural defect, which it might be thought would have rendered him less competent to appreciate one particular ingredient of literary excellence; and if I refer to it here, it is only because the fact was singularly the reverse. His

ear for music was utterly defective. The difference between flats and sharps was unknown to it. If he attempted (as he very seldom did) to hum a few notes of the most familiar air, every intonation was utterly false ; and yet I never knew any one having a more delicate perception of the charm of melody in prose or verse. I could cite an abundance of passages in our literature that attracted his attention as examples of this particular beauty, and several of which I have seen referred to in critical disquisitions, published since his death, as models of euphony ; but the singularity in his case was, that although he had, mentally, an exquisite sense of the true cadence of a musical line or phrase, he was wholly unable to convey it by his voice. He very early became aware of this, not from the evidence of his ear, but from the candid testimony of his intimate associates, and used often, with a mixture of simplicity and good humour, to express to them his wonder, that what seemed to be so easy to others, should be so impossible to him.

Of Woulfe's personal character, there is little new to be told. It was well known in his lifetime, and had its reward. In reference to it, however, I may mention one or two individual traits, in strictness to be classed among his mental qualities or habits,

which appeared to exercise no small influence upon his general conduct. He was as keen an observer of himself as of others. From his early youth, self-examination had been, with him, a daily custom; so much so, that he may be said to have kept constant "watch and ward" over all his thoughts and actions. He often put himself upon his trial before himself, and had the firmness to resist the temptation, so usual in such cases, of empannelling a friendly jury.

It did not appear to me that he subjected himself to this self-discipline from any foregone conviction of its utility, but rather that his frequent resort to it was to be set down as one of his natural impulses; that, as from habit, he could not avoid reasoning upon the character and conduct of others, so from the same habit he extended the practice to himself.

I have already adverted to his want of that particular order of imagination which he would have so willingly possessed; but he had, from nature, and in high and constant activity, another description of the same faculty, for which his countrymen, though regarded as an imaginative people, have not been peculiarly distinguished. This was the power of placing himself in the condition of others, and vividly picturing to his own mind their several wants and

thoughts, and feelings. It was that variety of imagination which, in literature, is essential to the success of some classes of fictitious writing. Defoe had it, and without it could never have produced his Robinson Crusoe. It pervades every scene of Shakespeare. It is needless to say that Woulfe had never thought of applying this power of personation to any descriptive or dramatic purpose. In truth, I cannot say, that he was himself aware that he had been so largely gifted with it. But, whether voluntarily or otherwise, he exercised it constantly, and practically turned it to many moral uses. A single instance (it is one now casually occurring to my memory) will exemplify my meaning. I once heard a severe judgment pronounced in his presence upon the Irish peasantry for their lazy submission to discomforts in their homes, which a very little active exertion would have averted. Woulfe did not deny the fact, but urged, "that there was much to account for and excuse their inertness." He then placed himself in the peasant's hovel, and presented an inventory of the surrounding wretchedness: "damp walls, pervious roof, half-fed family, insufficient fuel, insufficient clothing, no means of bettering his condition, no hope that such means will ever come to him;"

and then asked if a poor being, reduced, through no vices of his own, to such a state of physical and mental prostration, was to be harshly judged if he did not bestir himself to remove inconveniences, to which long endurance had probably rendered him and his miserable household callous.

This is a single and homely example. I could enumerate a multitude of others, where the acts of persons much higher in the social scale passed under his review, and in which he showed that his natural, sympathising instincts had taught him to be a merciful censor.

Woulfe, like others in his position, had all his life to meet demands upon him for charitable contributions, and his habit was to meet them generously. Yet even here, more particularly if the case was one in which there existed no personal claim upon him, I could not avoid observing his tendency to call in his reasoning faculty in aid of, or as a substitute for, charitable emotions. When Goldsmith said of his village pastor that

“His pity gave ere charity began.”

he must have meant to distinguish benevolence as springing from the instincts of our nature, from charity as enjoined by religion. There were occa-

sions without number upon which neither of these were the operating motives upon Woulfe, but still he gave. He did so, because, according to his general views of the human race, as collected and bound together in social communities, he thought it just and reasonable to give. His wide-spread sympathy with man and his destiny, and all that belongs to him, is apparent throughout his almost only written production; and with him this sentiment was not reserved for philosophical disquisitions. It entered actively, proportioned to the occasion, into his habitual modes of thinking and acting in all the details of ordinary life. "It was the essence of the social state that, for the benefit of all, there should be mutual dependence and mutual aid; and this object, in all civilized communities, was to a large extent secured by compulsory laws. No laws, however, could be so comprehensive as to provide for every case of individual distress, but such distress was not the less to be relieved. It was an evil at variance with the great purposes of the social system, and as such it ought, upon a mere abstract principle, to be diminished." And thus Woulfe often sent his donation, not from any private feeling of compassion, nor from any special sense of religious



obligation, but in obedience to a logical conclusion. He had argued himself into benevolence.

It only remains for me to give some few of my recollections of Woulfe as a companion.

He could not be said to be remarkable for colloquial talent; still his presence at any social gathering was always an acquisition. Among his intimates, until long illness had saddened his spirits, the most striking peculiarity of his conversation was the mixture of an almost boyish hilarity with a liking for grave discussion, and the rapidity of his transitions from the one mood to the other. Both his conversation and his manners bore ample testimony to his habit (as already mentioned) of entering into the feelings of others. When he met a friend or ordinary acquaintance after an absence of any length, his first impulse was always to question the party about himself,—about his health, and occupations, and amusements, during their separation. He was utterly free from the taint of a selfish absorption in his own concerns, and hence (among other reasons) had made himself a universal favourite.

For a lengthened *tête-à-tête* conversation Woulfe was, with the single exception of the late Lord Chief

Justice Bushe, the most attractive companion whom it was ever my good fortune to meet. In saying this, I do not intend to intimate that he was to be compared (how few could!) to Bushe. Bushe's conversation, in its continuous flow, its graceful, appropriate diction, and the exhaustless variety of its topics, was a singular intellectual phenomenon. It was said of him, that his fine, glowing countenance was in itself enough to light up a dinner-table; but he never required the excitement of a dinner-party, or of any other audience as a stimulant. If on his way to or from his court he gave you a lift in his carriage, or, being on foot, came up with you in the street, you were scarcely at his side, when he was sure to begin some conversation, replete with all the charms his conversation possessed; and whether the subjects of it, as it went on, were anecdotes, or criticism on books, or comments on passing events, you were certain to have the benefit of him as fully as if he were exerting his powers for the delight of a brilliant auditory. But in reality there was no voluntary exertion or effort whatsoever. His healthy, active mind was only taking its usual daily exercise; and as a crowning charm of his conversation, it must be added, that it was wholly free from egotism,

and its too faithful attendant loquacity. Whether you met him alone or in society, you found him perfectly versed in the art of listening. He was always contributing, never usurping.<sup>1</sup>

But, although no captivating accomplishments, such as Bushe's can be claimed for Woulfe, still his conversation, most especially when he was your sole companion, had great and peculiar attractions; its pervading charm being that you felt yourself to be in communication with a vigorous, clear, and upright intellect, which, disdaining all petty contests for victory, was only anxious (let the subject be what it might) to discover the truth, for your benefit as well as for his own. There were few general subjects upon which he was not ready and able to converse. The natural tendencies of his mind most led him to discuss those that involved the higher interests of mankind, to analyse the philosophical theories of any celebrity that had been put forward regarding them, and, by a fearless, unsparing scrutiny, to discover how much in them was to be received as demonstrated or probable truth, and how much to be repudiated as erroneous. On such occasions his manner often became animated, almost to vehemence,

<sup>1</sup> See Appendix, p. 77.

more particularly when he had to denounce any writer for wantonly increasing the difficulties of a difficult question by the incorrectness of his terms, or by the use of the same terms in different senses, or by any other departure from the rigid accuracy so essential in speculative inquiries. More than once (as an instance) I have heard him strenuously insisting that nothing could be more false, or misleading, than the ordinary definition of man's lowest state as "a state of nature." "It was no such thing (he would go on to say), and might with equal truth be defined to be the very reverse. It may be asserted of the inferior animals that they are in a state of nature, or (which means the same thing) in their natural state; and all experience tells us that from that state it is not natural to them to rise to a higher one. But experience has told a very different story of man. It is *his* nature to emerge from his lowest state, and to ascend, through successive gradations, to the high summits of civilization, and in each stage of his progress, he is still as much in his natural state as he had been in each of those that preceded it. The real truth is that Sir Isaac Newton, while engaged in his sublime discoveries, was as much in a state of nature as the

American savage, roaming through his forests, in search of the prey upon which he is to feed."

I must just refer to one more characteristic of Woulfe's mind, which often broke out in his conversation, and more frequently if you were with him in the country and the open air. This was the extraordinary earnestness of the sentiment with which he regarded the earth, in relation to its glorious power of producing its periodical stores for the sustenance of man, and of the animals subservient to his uses. He was quite alive to the beauties of fine natural scenery, and to the poetical associations belonging to it, but he delighted more to look and meditate upon the cultivated plain, with its waving corn, rich pasturage, and numerous flocks and herds. Upon this subject he often dilated with a fervour akin to that feeling of religious veneration, which led the youthful imagination of Greece to invent a deity, one of whose special cares it was to be, to watch benignly over the labours of the husbandman, and crown them, at the appointed season, with a golden harvest.

I have no *bon-mots* of Woulfe to record: he often came out with lively natural sallies, which, at the moment sounded like wit, and "served the turn as well;" but they were merely sudden bursts of his

logical acuteness, brought to bear, in a tone of arch pleasantry, upon the matter in hand, and amusing from their unexpectedness. So, of what may be classed among "memorable sayings" of a serious kind, I can recollect only one instance. His style, though vigorous and compact, was not marked by those expressions of pregnant brevity which strike with emphatic force upon the mind and the ear, and, being of a portable compass, are carried away by the memory and preserved there. The instance I refer to occurred in the House of Commons, in one of the debates on the reform of the Irish Municipal Corporations. An opponent of the measure having asked "of what value to that country the continuance of such institutions?" Woulfe in his reply said, "they will go far to create and to foster public opinion in Ireland, and to make it racy of the soil." The closing words of the sentence told at once, and quickly passing into quotation, have already taken their place among the familiar household phrases of our language.<sup>1</sup>

<sup>1</sup> In the letter addressed in the year 1838 by Mr. Drummond (the Irish Under Secretary) to Lord Donoughmore and other magistrates of the County of Tipperary, there occurs a phrase that has also become proverbial, and which has been attributed (I cannot say how truly) to Woulfe, who was then

Here I close an imperfect tribute to the memory of this estimable man; not without a fear that, in my anxiety to avoid exaggeration, I may be thought to have failed in doing full justice to his many admirable qualities. This reproach, if made, will come from some of the many among his survivors, who knew his worth, and gave him their admiration and esteem, unmixed with a single feeling that could require to be allayed by a subsequent sense of their loss. Strangers, on the other hand, who may read the foregoing pages, will probably suspect that they betray the undue partiality of personal regard. To this my only answer would be, that no account of him, given by any one who knew and thoroughly understood him, could easily escape a liability to such an objection. The task could be performed only by a friend, for my firm belief is, that Stephen Woulfe never had an enemy.

the Attorney-General. "Property has its duties as well as its rights," but this phrase, as employed upon that occasion, derived its force more from its apt application, than from any originality of thought, or felicity of diction. The same thing, not quite so briefly expressed, but similarly applied, had appeared in print many years before. "But a landlord is not a mere land-merchant; he has duties to perform as well as rents to receive." (A sketch of the state of Ireland past and present, p. 42, Dublin, 1808.)

## APPENDIX.

## CONVERSATIONS WITH CHIEF JUSTICE BUSHE.

UPON one occasion of my life, I had not a single opportunity, but opportunities continued for several days, of appreciating the late Chief Justice Bushe's captivating powers as a *tête-à-tête* companion.

Just after the close of the summer circuits of the year 1826, I went, by invitation, to stay for some time with him at his old ancestral place of residence, Kilmurry, in the county of Kilkenny. He was, according to his annual custom, passing his long vacation there, surrounded by a numerous family circle. I had the good luck to be the only stranger, and thus came to be at his side, and to have him all to myself, for many hours daily. At first he used to retire after breakfast to finish off some judgments that he was to deliver in his court in the ensuing term; but this occupation lasted for only four or five days, and then he felt himself to be (as he said) in the delicious state of being perfectly *solutus curis* for the remainder of the vacation. Every day at one o'clock a pair of horses were brought to his hall door for us. From the heat of the weather (it was "the hot summer of 1826") we always moved along merely at a walking pace; secure, however, from the same state of the weather, against any annoyance from sudden showers. We seldom returned to Kilmurry before five o'clock. Then came dinner, and at no long interval, tea; and the moment tea was over the Chief Justice rose, and proposed to me a stroll with him through the grounds. We had no occasion to keep to the gravel walks; the grass was as dry as the carpets we had left; and accordingly his habit was to push on at once for the fields, and plunging into them, and crossing, and recrossing them, to prolong the stroll often till the approach of midnight.

On the second or third evening of my visit, the conversa-



tion turned on Boswell's Life of Johnson, which, by the way, the Chief Justice said, "was to him the most delightful of books, first, because he found everything in it so charming in itself; and next, because he no sooner finished it, than he forgot it all, and so could return to it, *toties quoties*, and be sure to find it all as charming as before, and almost as new."

On the following morning, recollecting this mention of Boswell, it occurred to me to try, while the Chief Justice's words were still ringing in my ears, how far I could succeed in committing to paper some of the more striking things in his conversation of the two preceding days. I accordingly made the experiment, solely to gratify my own curiosity, and without the remotest view to future publication. I am, however, now induced to insert here, as likely to have an interest for, at least, some readers, the results of this, and one other morning's occupation of the same kind. I give them simply for what they are—short notes, very hastily entered in pencil in a note-book, and now, without any attempt at embellishment, transcribed as I find them there, with the mere exception of a very few verbal alterations, or short additions, without which the sense might be obscure.

In thus giving publicity to these fragments of Charles Kendal Bushe's familiar conversation, I should be doing a grievous injustice to the memory of that accomplished man, if I were to intimate that, in themselves, they can convey any but the faintest idea of what that conversation was. They may lead his surviving intimates to recognise him, but they never can enable a stranger to him to know him. Even if I could offer a literal transcript of every word that fell from him, how much would still be wanting! His imposing figure and deportment, his graceful, persuasive gestures, his manly, pliant features, so easily seduced from their habitual dignity by a love of gentlemanly fun, his fine, sonorous voice, his genial laughter; such were some, though not all, of the ingredients in that combination, which made Bushe the most fascinating of companions; and supposing all these to be accurately imagined, there would

## CONVERSATIONS WITH CHIEF JUSTICE BUSHE. 79

still remain to be described that one more attribute, which, without exaggeration, might be termed the marvellous opulence of his mind for the purposes of conversation. I had often met him in society before my visit to Kilmurry, but it was only there that, from being daily alone with him for many hours, I was enabled to be a witness to the extent of his resources in this way, and his facility in using them. In those conversations (to which my contributions were naturally very scanty, and seldom any thing more than the asking of questions), he never allowed any but the most momentary pauses to intervene ; but passing on from topic to topic, as they came to him, unsought for, in rapid succession, he would go on for hours conversing away, unimpeded by any obstructions, for he made no efforts to produce effect, and seemingly as if he were only carelessly obeying some hidden law of his nature, which had taken all the trouble off his hands. It was in this profusion of materials, and in the power of pouring them out for hours without cessation or fatigue, that the Chief Justice appeared to me to be so peculiar, and, in his own time and country, unrivalled. It was that ever-running "stream of mind," such as Johnson had found, and so much prized in the conversation of Edmund Burke.

I may just add, that his manner, whether the subject was grave or otherwise, was somewhat higher than the ordinary tone of familiar conversation, but no one ever wished that he should change it. With him it was unaffected, and well assorted with the natural dignity of his mind and person. It was only upon one or two occasions while I was with him, that his subject led him to assume for a moment that more stately manner, which distinguished and adorned his public efforts.

The following are the meagre relics to which I have been referring, and, on now looking over them, I have not failed to remember that, in his actual conversation, there was by no means that predominance of mere anecdote which might be inferred from these memoranda.

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KILMURRY, AUGUST 6TH, 1826.

CONVERSATIONS WITH THE CHIEF JUSTICE.

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GRATTAN. "He loved old trees, and used to say, 'Never cut down a tree for fashion-sake. The tree has its roots in the earth, which the fashion has not.'"

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"A favourite old tree stood near the house at Tinnehinch. A friend of Grattan's, thinking it obstructed the view, recommended to him to cut it down. 'Why so?' said Grattan. 'Because it stands in the way of the house?' GRATTAN. 'You mistake, it is the house that stands in the way of it, and if either must come down, let it be the house.'"

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"Grattan said, the most healthy exercise for elderly persons was 'indolent movement in the open air.'"

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The Chief Justice spoke a good deal of the Bar. He said, the profession had materially improved in respectability within his recollection. When he first came to it, a class of persons, without legal qualifications, had pushed themselves into business by the mere force of vulgar, bustling activity, which would not be tolerated at present. "Three persons, I consider, to have greatly contributed to produce the change. Curran (who had ignited the Bar), Plunket, and Saurin. The last brought legal knowledge into repute. Egan, were he now at the bar, would not make half-a-crown in the year. The change may also be, in some degree, attributed to the Union. Since the Union, a better class of men have been raised to the Bench, and able judges will always compel the Bar to be good lawyers."

"The Bar of Ireland, at present, teems with gifted young men."

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CONVERSATIONS WITH CHIEF JUSTICE BUSHE. 81

He deplored the Union, and chiefly from the difficulties it threw in the way of a settlement of the Catholic question. "The Constitution in Ireland was never considered as essentially Protestant. Irish prejudices would not have been shocked at seeing Catholic gentlemen in the house of Commons, Catholic Bishops in the Peers, or even at seeing two established religions. But the Union has done some good. It has purified the administration of justice by leading to the appointment of a better class of judges, and by putting them more under the control of the English Press." He frequently recurred to the influence of public opinion as expressed through the press, and called it "that useful rod, suspended over the heads of men in authority."

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He spoke with disgust of the pedantic obscurity of the old law-writers. "I was working this morning at a judgment of Lord Coke's, reported in Bulstrode. It took me two hours to discover its meaning. I would rather have sat down to as much Greek. All the difficulty arose from the absurd mystery of the style. The moment I caught the reasoning, I, without any trouble, condensed the whole into six or eight lines. The great object of the early law-writers seems to have been, to be as incomprehensible as possible. Sir William Blackstone was the first great reformer in this respect. He simplified the study of law, as Bacon did that of Natural Philosophy."

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"I cannot bear to hear barristers calling one another their *learned friend*. Why not say, the argument of Mr. Wallace, or Mr. Gilmore, or whatever the name may be?"

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"Blackburne's voice sounds to my ear as full of melody. —'s like a car, with rods of iron on it, jolting on a bad road."

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"I have been often struck with surprise at the precision of

Gilmore's diction. Every word is finely chiselled down, so as just to fit into its proper place in the sentence."

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"He said he thought the passage in Sterne, beginning, 'Of all the cants in this canting world,' a model of melodious prose composition."

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"He thought that no public speech of Plunket had done justice to his powers; not even the speech of 1813. He also said that, with the exception of the speech for Hamilton Rowan, there was no sufficient record of my father's powers. He had often heard him in petty cases superior to anything else recorded of him."

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As we were riding through his grounds, a cow, looking up from a trench, brought on a conversation about Virgil, and the classics. I pointed his attention to the expression of disappointment in the animal's face at discovering that the stream which used to flow there, was now dried up. "Yes, poor thing, she finds she is *falsi simoentis ad undam*." He then proceeded to mention passages in the third Eneid (the scenes between Eneas and Andromache) as, in his mind, the most pathetic in the poem. He said he often used to support that opinion against my father, who preferred the story of Nisus and Euryalus.

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"The day after Lord Kinnaird came to Ireland, he dined at Plunket's. The Chief Baron<sup>1</sup> was there. The conversation turned on Lord Castlereagh. Several of the company questioned his sincerity on the Catholic Question. Plunket undertook his defence with much animation; and having stated the several efforts he had made in favour of Emancipation, concluded by saying, 'that, upon that subject, he had latterly

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<sup>1</sup> Chief Baron O'Grady.

## CONVERSATIONS WITH CHIEF JUSTICE BUSHE. 83

made a great deal of character for himself.' 'He has (said the Chief Baron, in his dry way), and, depend upon it, he'll lose no time in spending it all like a gentleman.' Lord Kinnaird was delighted with the sarcasm, and said to me in a whisper, 'if I am to hear nothing but that, I am rewarded for coming to Ireland.'"

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"Among the contracts at the Union was one made with Lord Callan, that a relation, a Mr. Baker, was to have a place of 500*l.* a-year, as compensation for his loss of the sovereignty of the borough of Callan. Mr. Baker, having got no place, went up to Dublin in 1803, and called on Mr. Marsden, the under-secretary. Mr. Marsden referred to a particular book, and admitting the claim, stated the impossibility of finding such a place, but proposed the sum of 3000*l.* as a fair compensation in lieu of it. The proposal was accepted, the money sent for, and in less than a quarter of an hour, Mr. Baker went away with 3000*l.* in bank-notes."

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He thought the description of man in *Hamlet*, beginning, "What a piece of work is man," the finest piece of prose-composition in the English language.

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"Egan, in addressing a jury, having exhausted every ordinary epithet of abuse, stopt for a word, and then added, 'this *naufregous* ruffian.' When afterwards asked by his friends the meaning of the word, he confessed he did not know, but said 'he thought it sounded well.'"

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"Your father's memory was surprising. I once casually observed to him, that I thought it a common error to suppose that men did not know their own characters. Twenty years after, he said to me, 'I quite agree with you in an observation I remember to have heard you make. The truth is, every man knows his real character, but as he has come by his knowledge

of it confidentially, he makes it a point of honour not to admit the fact—even to himself.”

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He was speaking to me about my Life of my father, when, in explanation of my having become his biographer, I told him that three or four days after his death, Woulfe, who was then in London, called upon me to apprise me that some of the Irish connected with the press there, were already going about among the publishers, and proposing to write his life; that their sole object was the money to be made by the speculation, and that not one of them was competent to produce anything that would be creditable to my father's memory; that Woulfe urged upon me to undertake the office myself, and at once to announce my intention, so as to prevent any publisher from encouraging the speculation in question, and that after talking over the matter with Woulfe, I came to the determination of acting on his advice. When I had finished, the Chief Justice suddenly pulled up his horse, turned in his saddle towards me, and, for the moment, rising in tones and gestures above his ordinary manner, said with some emotion, “You were quite right. It was your duty to bestride his remains, and protect them from the vultures.”

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August 10th. He asked me if Sheil had ever written any poetry besides his tragedies, and upon my answering that he had not, expressed his regret. “His mind is one of the richest in poetry and eloquence that I ever met. For the purpose of producing an effect upon a popular audience in Ireland, I consider him as standing in the very first rank. In England it might be considered (though perhaps unjustly), that he attempted to impose upon his hearers by ornament. He seems to me to have high powers for didactic poetry. The rich poetical invectives with which his speeches abound, if versified, would be fine satirical poetry.”

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## CONVERSATIONS WITH CHIEF JUSTICE BUSHE. 85

He said he discovered some time ago, to his amazement, that the Chief Baron writes poetry, and good poetry.

“ Lord Clare was a better man than he pretended to be. He was spiteful, but not so vindictive as is commonly supposed, and he sometimes could do a good-natured thing. Dickey Guinness<sup>1</sup> had become an ardent admirer of Jackson's wife.<sup>2</sup> Upon his death she requested, as a solemn favour, that Guinness would attend his funeral. He, without foreseeing the consequences, complied, and appeared in the funeral-procession as chief mourner. This gave great offence to the government party, and there was a rumour afloat that Guinness would be disbarred. He was a nervous man, and greatly terrified. To avert the storm, he waited upon Lord Avonmore<sup>3</sup> to entreat his intercession. Lord Avonmore received him with coldness and resentment, and said, ‘ your conduct has been inexcusable ; I will not originate any proceeding against you, but, should the question ever come before me, you cannot calculate upon my support.’

“ He next went to Lord Carleton.<sup>4</sup> Lord Carleton said

‘ I am surprised at your coming to me. Your conduct has disgraced me, as the person who had the misfortune to recommend you to the Benchers as fit to be called to the Bar.’

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<sup>1</sup> Richard Guinness of the Irish Bar. He died many years ago. During the latter part of his life, he was one of the police magistrates of Dublin.

<sup>2</sup> The Rev. Wm. Jackson, who was convicted of high treason in 1795, and upon being brought up on the appointed day to hear his sentence, died in the dock (before it could be pronounced) from the effects of arsenic that he had taken before he left the prison.—*Howell State Trials*. Vol. xxv., p. 890.

<sup>3</sup> Then Chief Baron Yelverton.

<sup>4</sup> Chief Justice of the Common Pleas.



"He thirdly went to Lord Clonmel,<sup>1</sup> and told his story. Lord Clonmel's reply was, 'I cannot assist you. I always thought you to be a most improper and dangerous person, and I have lately ascertained that it is you who have been lampooning me in the *Freeman's Journal*.'<sup>2</sup>

"Almost in despair, Guinness, as a last resource, went to Lord Clare, and related the particulars of his applications to the other judges. Lord Clare heard him with patience, and then good-humouredly said, 'Why, Dickey, I knew, as well as you did, of all that had been going on between you and that handsome jade, and you see what has come of it; but your conduct has been only imprudent. Come down and sit in my

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<sup>1</sup> Chief Justice of the King's Bench.

<sup>2</sup> According to a statement, circulated and believed at the time, anything connected with the death of Jackson must have been as unpalatable a subject as could have been brought before Lord Clonmel.

Upon Jackson's conviction, Lord Clonmel (it was alleged) prepared an elaborate denunciation of the revolutionary designs then prevalent, to be introduced into his address to the prisoner, before he passed sentence upon him, and he annexed a great degree of importance to the salutary effect upon the public, which, he felt certain, that his observations would produce. But he was baffled in his object by the death of the unfortunate client, while one of his counsel was in the act of addressing the Court on a motion in arrest of judgment.

When the fact that the prisoner was no more was duly made known to the Court, the Chief Justice abruptly, and, it was said, in a fretful manner, rose, and ordering an adjournment of the Court, was with the other judges retiring from the Bench, when the Sheriff, in whose legal custody the body when living had been, called out to ask what he was now to do with it. Lord Clonmel, still moving away, merely said in a quick and careless tone: "Oh, Mr. Sheriff, you'll do as is

Court, and I'll let the public see that this is my opinion ; and should any one attempt to raise his hand against you, I'll take care that not a hair of your head shall be injured.'

"There was no further mention of disbarring Guinness.

"Three years after, Guinness, to make amends, attended, as a chief-mourner, at the funeral of a noted Orangeman, Ryan, who was shot by Lord Edward Fitzgerald."

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The Chief Justice related to me the particulars of his meeting with the King at Slane Castle.

"Saurin and I went down together, and arrived barely in time to dress for dinner. I had never been seen by the King, but once at the levee. On going down stairs, I met him coming up. The rencontre was most embarrassing, for I imagined that he would not recognise me, but I was at once relieved. He said, 'Bushe, I believe you don't know the ways of this house,' and taking me under the arm, conducted me to the drawing-room. In one moment, I was as much at my ease as if I had been his daily companion.

"I sat opposite to him at dinner. The first words he addressed to me were these (Lady Conyngham, who sat next him, had been whispering something in his ear),—'Bushe, you never would guess what Lady Conyngham has been saying to me. She has been repeating a passage from one of

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usual in such cases ;" upon which the Sheriff, now becoming nervous in regard to his own responsibility, cried out, in rather vehement accents : "But, my Lord, my Lord, this is the first case of the kind that has ever happened since I have been in office." The inevitable roar of laughter followed, and reminded the Chief Justice of his precipitation. He resumed his seat, and, after a short conference with the other judges, directed that the body should not be removed from its present position, and that a Coroner's inquest should be held on it, in order to ascertain the cause of the death.

your speeches against the Union.' He saw that I started, and was rather at a loss for what to say, and instantly changed the subject by recommending me to try a particular French dish, from which he had been just helped. 'This (said he) I can recommend as the perfection of cookery. My cousin, the Duke of Gloucester, often produces it for his guests, but always fails in it. It is the same with all his dishes. He has a remarkable talent for giving bad dinners.'"

"The king soon after returned to the Union. 'My early opinion was (said he, addressing Saurin) that your and the<sup>1</sup> Solicitor-General's opposition to the measure was well founded, and since I have seen this glorious people, and the effects produced by it, that opinion is confirmed; but (he added, as if correcting himself) I am sure you will agree with me in considering that, now the measure is carried, you would both feel it your duty to resist any attempt to repeal it with as much zeal as you originally opposed it. But you all committed a great mistake. Instead of direct opposition, you should have made terms, as the Scotch did, and you could have got good terms.' He then summed up some of the principal stipulations of the Scotch Union (he had history at his fingers' ends). Saurin said (a very odd remark, as it struck me, to come from *him*) 'and the Scotch further stipulated for the establishment of their national religion.' 'You are quite right,' said the king; 'they secured that point also—but, no, no,' he added, hastily checking himself, 'you must pay no attention to what I have just said. It would not be right to have it supposed

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<sup>1</sup> As I transcribe this, it occurs to me to ask if the change of designation here was accidental, or an instance of that social tact, in which George the 4th was reputed to excel. When he spoke to Bushe directly, he paid him the compliment of using the most familiar form of address. When he names him, in his presence, to another, he gives him his official title.

## CONVERSATIONS WITH CHIEF JUSTICE BUSHE. 89

that I entertain an opinion, from which inferences might be drawn that would afterwards lead to disappointment.'

"In the evening, despatches arrived from England, containing an account of the tumultuous proceedings at the Queen's funeral. The king expressed, without the slightest reserve, his dissatisfaction at the want of energy shown by the government on the occasion, and contrasted with it the firmness of his father during the riots of 1780. He detailed the particulars of the late king's conduct upon that occasion, who, he said, expressly sent for him to be a witness of it, for the regulation of his own conduct upon any similar emergency. He concluded by suddenly saying, in an altered and broken voice, 'I shall never again see such a man as my father.'

"The king spoke of the run of luck that he had lately had—'his getting round the Land's End just a few minutes before the wind changed, and his consequent arrival at Holyhead two days before the other vessels—his landing in Ireland on his birth-day, which had been the wish of his heart—and finally his glorious reception by the Irish people.' Among the lucky incidents he suppressed the news of the Queen's death."

"The king's accent had the slightest intermixture of the foreign."

"He has been known to say, 'I wish those Catholics were damned or emancipated.'"

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"Lord Mansfield was a man of gallantry in his youth. When at the bar, he had an intimacy with the beautiful Lady Coventry. The usual place of assignation was Mr. Murray's chambers. Early one morning, Mrs. Murray, having some communication to make, proceeded from the town residence to his chambers, and entering the bedroom, found them together, and both in a profound sleep. Her husband's watch was lying on a table near the bed-side; she took the watch, and leaving her own in its place, retired unobserved. Mr. Murray, on awaking, soon discovered that she had been there, and

dered grey hair, his agitated gestures, and his strange mutterings as he bended over the coffins, and read the inscriptions. 'Aye, there they are,' he would say, striking the coffins seriatim, and naming the persons within them—'there you are, aged 73—then water on the chest—and then a fine large coffin—a large coffin is a good thing—a very good thing (striking one of them in his peculiar manner)—and I too must have a fine large coffin—but not for five years yet—and then, water on the chest, and a fine large coffin.' "

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"Grattan's last words to Crampton (the surgeon-general), who saw him in London just before his death, were :—'I am perfectly resigned. I am surrounded by my family. I have served my country. I have reliance upon God, and I do not fear the devil.' "

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"During the disturbances in the year —, I was sent down to this county, as solicitor-general, to prosecute. Admiral Packenham, whose property lay in the scene of the disturbances, complained that Saurin had not accompanied me. I told him that Saurin had a distaste to criminal business, and that upon accepting the place of Attorney-General, he had stipulated that he was not to be required to act in any prosecutions out of Dublin; upon which Packenham pronounced the excuse to be insufficient, and said in conclusion, 'I have no idea of a *sentimental hangman!*' "

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"The Chief Justice's opinions on Catholic affairs are much stronger on the popular side than I had imagined. He thinks Woulfe's pamphlet by far the best that he ever read upon the Catholic question. It contains views (he says) that struck him as quite original."

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"The Chief Baron was asked why a particular person; never noted for gallantry, had now provided himself with two

### CONVERSATIONS WITH CHIEF JUSTICE BUSHE. 93

mistresses. 'I suppose,' he said, 'that he may be able at all times to excuse his absence from both, by pretending to each of them that he is with the other.'

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"Grattan said, that he found the best way to prevent his cabbages being stolen, was to fence them round with several rows of cabbages."

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"The persons who could supply the most interesting details for Grattan's biography are Plunket (for every thing relating to his career in the English House of Commons), Gervaise Bushe, his son Henry, Peter Burrowes, and his niece Mrs. Scott."

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"I said that Moore wished to be the biographer of Grattan. 'No, no; Grattan's life is not to be written with a dove's quill.'"

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"Grattan was utterly incapable of writing the simplest thing with rapidity. Upon one occasion he lost an important motion in the Irish House of Commons, by his defect in this respect. The house being with him, the Speaker asked him to commit his motion to writing. Five lines would have embraced it, but Grattan wrote and tore, and wrote and tore, till the House, losing its patience, a ministerial member proposed, that instead of a formal resolution of the house, the minister should give a verbal pledge, to which Grattan assented, and thus his motion was lost."

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I asked the Chief-Justice if Grattan had proposed to himself any particular speaker or prose-writer as a model of style. "He never, to my knowledge, said that he had; but Milton was the great object of his imitation. He recited passages of *Paradise Lost* in a manner that no one else could."

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<sup>1</sup> Upon a careful examination of the productions of Grattan,

"Grattan was firmly persuaded, from the internal evidence of the style, that Burke was the author of Junius. Among other instances, he used to insist upon it that no living man but Burke could have written that passage in one of the letters to the Duke of Grafton, 'You have now fairly travelled through every sign in the political zodiac, from the Scorpion, in which you stung Lord Chatham, to the hopes of a Virgin in the house of Bloomsbury.'"

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"My last scene with Grattan was interesting beyond expression. It lasted an hour, and I have never ceased to regret that I did not commit the particulars to paper, as I might easily have done. The details of that one hour would have filled a volume."

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it is probable that many traces would be found there of the influence of Milton's mind upon him. It is, perhaps, very much to this influence, though not directly appearing, that the high, epic tone of numerous passages may be attributed. I may here refer to one striking instance of the undisguised use that he made of the great English poet. "We saw the minister retreating from the enemy with as rapid a step as he advanced upon the people, going back, and back, and back, while the democratic principle in Europe was getting on and on, *like a mist at the heels of the countryman*, small at first and lowly, but soon ascending to the hills, and overcasting the hemisphere."—*Letter to the Citizens of Dublin, July 1, 1797.*

"As evening mist  
Risen from a river o'er the marish glides,  
And gathers ground fast at the labourer's heel  
Homeward returning."—*Par. Lost, b. 12, l. 529-32.*

**ORIGINAL SKETCHES.**





## ORIGINAL SKETCHES.

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WHEN I first visited Dublin, I was a frequent attendant at the Courts of Justice, or, as they are more familiarly styled, the “Four Courts.” The printed speeches of Curran had just fallen into my hands; and, notwithstanding their defects, whether of the reporter or the speaker, the general effect of the perusal was to impress me with a very favourable opinion of Irish forensic eloquence. Although, as an Englishman, I might not participate in the political fervour which forms one of their chief recommendations to his admirers in Ireland, or, in my severer judgment, approve of a general style that differed so essentially from the models of British taste, still there was a freshness and vitality pervading the whole—glowing imagery—a bounding phraseology—trains of

argument and illustration at once vigorous and original—and incessant home pushes at the human heart, of which the attractions were entirely independent of local or party associations. Under these impressions, and the opportunity being now afforded me, I made it a kind of literary object to ascertain how far the peculiarities that struck me belonged to the man or the country. With this view I resorted almost daily for the space of two terms to the Four Courts, where I studied with some industry the manner and intellectual character of some of the most eminent advocates. I also made a summer tour through the southern provinces of Ireland, and, the Circuits being fortunately out, I was thus enabled to extend my observations. The result was a little collection of forensic sketches : in the first instance, mere scattered memoranda, but which, as it struck me that the subject might have an interest for English readers, I have subsequently endeavoured to arrange into a form that might meet the public eye. In proceeding, however, to submit my remarks upon some of the leading personages of the Irish bar, I must premise that I do not profess to include every member of that body who has risen to eminence in his profession : I propose to speak only of those whom I heard sufficiently often

to catch the peculiarities of their mind and manner; and, with regard to these, I beg to disclaim all pretensions to adjust their comparative merits and professional importance. With the single exception of Mr. Plunket—for he unquestionably stands the first, the order in which they may appear in my list is not to be taken as the measure of their general estimation.

Here I had intended to commence my series with a notice of Mr. Plunket, but I am reminded that a good deal that I may have to say of the several persons on my list may not be perfectly intelligible, on this side of the channel, without a short general description of the particular theatre upon which they move, and of certain local peculiarities to which allusions must of necessity be often made—I therefore begin with the

#### HALL OF THE FOUR COURTS.<sup>1</sup>

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THE law, and the practice of the courts, in Ireland, are, with some trivial exceptions, precisely the same

<sup>1</sup> Originally this article appeared after the publication of the Sketch of Mr. Plunket; but, as its contents are in a great degree introductory to the entire series, it has now been transposed to its more natural position, and made to stand first.

as with us;<sup>1</sup> but the system of professional life in the Sister Island is in some respects different. One of the particulars in which they differ may be made a source of interest and recreation to a stranger in Dublin—at least it was so to me. I allude to the custom, which the Irish Bar have long since adopted, of assembling daily for the transaction of business, or in search of it if they have it not, in the Hall of the Four Courts. The building itself is a splendid one. Like the other public edifices of Dublin (and I might add, the private ones) it is an effort of Irish pride, exceeding far in magnificence the substantial wealth and civilization of the country. In the centre of the interior, and o'ercanopied by a lofty dome, is a spacious circular hall, into which the several courts of justice open. I was fond of lounging in this place. From the hours of twelve to three it is a busy and a motley scene. When I speak of it as the place of daily resort for the members of the legal profession

<sup>1</sup> There are no regular Reports of the Irish cases. All the new authorities are imported from England; so that the accident of a fair or foul wind may sometimes affect the decision of a cause. "Are you sure, Mr. Plunket, (said Lord Manners one day) that what you have stated is the law?" "It unquestionably was the law half an hour ago," replied Mr. P. pulling out his watch; "but by this time the packet has probably arrived, and I shall not be positive."

and their clients, I may be understood to mean that it is the general rendezvous of the whole community ; for in Ireland almost every man of any pretensions that you meet, is either a plaintiff or defendant, or on the point of becoming so, and, when in the capital, seldom fails to repair at least once a day to "the Hall," in order to look after his cause, and, by conferences with his lawyers, to keep up his mind to the true litigating temperature.

It is here too that the political idlers of the town resort, to drop or pick up the rumours of the day. There is also a plentiful admixture of the lower orders, among whom it is not difficult to distinguish the country-litigant. You know him by his mantle of frieze, his two boots and one spur, by the tattered lease, fit emblem of his tenement, which he unfolds, for his attorney's inspection, as cautiously as Sir Humphrey Davy would a manuscript of *Herculeum* and, best of all, by his rueful visage, in which you can clearly read that some clause in the last ejectment-act lies heavy on his heart. These form the principal materials of the scene ; but it is not so easy to enumerate the manifold and ever-shifting combinations into which they are diversified. The rapid succession of so many objects, passing and re-

passing eternally before you, perplexes and quickly fatigues the eye. It fares still worse with the ear. The din is tremendous. 'Besides' the tumult of some hundred voices in ardent discussion, and the most of them raised to the declamatory pitch, you have ever and anon the stentorian cries of the tipstaffs bawling out "The gentlemen of the Special Jury to the box," or the still more thrilling vociferations of attornies, or attornies' clerks, hallooing to a particular counsel that "their case is called on, and all is lost if he delays an instant,"—whereupon the counsel, catching up the sound of his name, wafted through the hubbub, breaks precipitately from the circle that engages him, and bustles through the throng, escorted, if he be of any eminence, by a posse of applicants, each claiming to monopolise him, until he reaches the entrance of the court, and plunging in, escapes for that time from their importunate solicitations.

The bustle among the members of the Bar is greatly increased by the circumstance of all of them, with very few exceptions, practising in all the courts.<sup>1</sup>

<sup>1</sup> The custom that prevails in Ireland of counsel dividing themselves among the several courts, produces, particularly in important cases, an inconvenience similar to one that Cicero complains of as peculiar to the Roman forum in his day—the multiplicity of advocates retained upon each trial, and the

Hence at every moment you see the most eminent darting across the hall, flushed and palpitating from the recent conflict, and, no breathing-time allowed them, advancing with rapid strides and looks of fierce intent, to fling themselves again into the thick of another fray. It daily happens that two cases, to be heard in different courts, and in which the same barrister is the client's main support, are called on at the same hour. On such occasions it is amusing to witness the contest between the respective attornies to secure their champion. Mr. O'Connell, for instance, who is high in every branch of his profession, and peculiarly in request for what is termed "battling a motion," is perpetually to be seen, a conspicuous figure in this scene of clamour and commotion, balancing between two equally pressing calls upon him, and deploring his want of ubiquity. The first time he was pointed out to me, he was in one of these predicaments, suspended, like Garrick in the picture, between conflicting solicitations. On the one side,

absence of some of them during parts of the proceedings upon which they have afterwards to comment. "*Respondemus iis quos non audivimus ; in quo primum sæpe aliter est dictum, aliter ad nos relatum. Deinde magni interest coram videre me, quemadmodum adversarius de quaqua re asseveret, maxime autem quemadmodum quæque res cudiatur.*"—*De Claris Oratoribus.*



an able-bodied, boisterous Catholic attorney, from the county of Kerry, had laid his athletic gripe upon "the counsellor," and swearing by some favourite saint, was fairly hauling him along in the direction of the Exchequer—on the other side a more polished town-practitioner, of the established faith, pointed with pathetic look and gesture to the Common Pleas, and in tones of agony implored the learned gentleman to remember "that their case was actually on, and that if he were not at his post, the Court would grant the motion, costs and all, against their client."

On such occasions a counsel has a delicate task; but long habit enables him to assume a neutrality, if he has it not. In the instance alluded to, I could not sufficiently admire the intense impartiality manifested by the subject of contention towards each of the competitors for his learned carcass; but the physical force of the man from Kerry, aided perhaps by some local associations, for the counsellor is a "Kerry-man" himself, prevailed over all the moral wooing of his rival, and he carried off the prize.

The preceding are a few of the constant, and ever-acting elements of noise and motion in this busy scene; but an extra sensation is often given to the congregated mass. The detection of a pickpocket

(I am not speaking figuratively) causes a sudden and impetuous rush of heads, with wigs and without them, to the spot where the culprit has been caught *in flagranti*. At other times the scene is diversified by a group of fine girls from the country, coming, as they all make a point of doing, to see the courts, and show themselves to the junior bar. A crowd of young and learned gallants instantaneously collects, and follows in their wake: even the arid veteran will start from his legal reverie as they pass along, or, discontinuing the perusal of his deeds and counterparts, betray by a faint leer, that with all his love of parchment, a fine skin, glowing with the tints that life and nature give it, has yet a more prevailing charm.

Lastly, I must not omit that the Hall is not unfrequently thrown into "Confusion worse confounded," by that particular breach of His Majesty's Irish peace, improperly called a "horse-whipping." When an insult is to be avenged, this place is often chosen for its publicity as the fittest scene of castigation. Besides this, particular classes in Ireland, who have quarrels on their hands, cherish certain high-minded and chivalrous notions on the subject. The injured feelings of a gentleman, as they view

the matter, are to be redressed, not so much by the pain and shame inflicted upon the aggressor, as by a valiant contempt of the laws that would protect the backs of the community from stripes; and hence the point of honour is more completely satisfied by a gentle caning under the very nose of justice, than by a sound cudgelling anywhere beyond the sacred precincts.

But this scene, though at first view the emblem of inextricable confusion, will yet, when frequently contemplated, assume certain forms approaching to regular combination: thus, after an attendance of a few days, if you perambulate the arena, or stand upon some elevated point from which you can take in the whole, you will recognize, especially among the members of the bar, the same individuals, or classes, occupied or grouped in something like an habitual manner. On the steps outside the entrance to the Court of Chancery, your eye will probably be caught by the imposing figure, and the courteous and manly features of Bushe, waiting there till his turn comes to refute some long-winded argument going on within, and to which, as a piece of forensic finesse, he affects a disdain to listen:—or, near the same spot, you will light upon the less social,

but more pregnant and meditative countenance of Plunket, as he paces to and fro alone, revolving some matter of imperial moment, until he is roused from these more congenial musings, and hurries on to Court, at the call of the shrill-tongued crier, to simplify, or embarrass some question of equitable altercation:—or if it be a *Nisi Prius* day in any of the law-courts, you may observe outside, the delight of Dublin Jurors, Mr. Henry Deane Grady,<sup>1</sup> working himself into a jovial humour for the coming statement, and, with all the precaution of an experienced combatant, squibbing his “Jury-eye,” lest it should miss fire when he appears upon the ground.

To pass from individuals to groups, you will daily find, and pretty nearly upon the same spot, the same little circles or coteries, composed chiefly of the members of the junior bar, as politics or community of tastes, or family connexions, may bring them together. Among these you will readily distinguish those who, by birth or expectations, consider them-

<sup>1</sup> I must, in passing, observe of this gentleman, that, as a mere actor of broad humour, he is equal to any I have ever seen upon our stage. His manner, too, has the merit of being all his own; his conceptions are transcendently droll; but, to be appreciated, he must be heard in court, for he conscientiously keeps all his good jokes for the service of his clients.

selves to be identified with the aristocracy of the country: you see it in their more fashionable attire and attitudes, their joyous and unworn countenances, and in the lighter topics of discussion on which they can afford to indulge. At a little distance stands a group of quite another stamp;—pallid, keen-eyed, anxious aspirants for professional employment, and generally to be found in vehement debate over some dark and dreary point of statute or common-law, in the hope that, by violently rubbing their opinions together, a light may be struck at last. A little farther on you will come upon another, a group of learned vetoists, or anti-vetoists, where some youthful or veteran theologian is descanting upon the abominations of a schism, with a running accompaniment of original remarks upon the politics of the Vatican, and the character of Cardinal Gonsalvi. Close to these again—but I find that I should never have done, were I to attempt comprising within a single view the endless and complicated details of this panoramic spectacle, or to specify the proportions in which the several subjects discussed here, respectively contribute to form the loud and ceaseless buzz, that rises and reverberates through the roof.

This daily assemblage of the Irish Bar, in a par-

ticular spot, enables you to estimate at a glance the extraordinary numbers of that body, and to perceive what an enormous excess they bear to the professional occupation which the country can by possibility afford. After all the Courts are filled to the brim, there still remains a legal population to occupy the vast arena without. I was particularly struck by the number of young men (many of them, I was assured, possessed of fine talents, which, if differently applied, must have forced their way) who, from term to term, and year to year, submit to "trudge the Hall," waiting till their turn shall come at last, and too often harassed by forebodings that it may never come. It was not difficult to read their history in their looks: their countenances wore a sickly, pallid, and jaded expression;<sup>1</sup> the symbols of hope deferred,

<sup>1</sup> I have heard several medical men of Dublin speak of the air of the Courts and Hall as particularly unwholesome. Besides the impurity communicated to the atmosphere by the crowds that collect there, the situation is low and marshy. The building is so close to the river, that fears have been entertained for the safety of the foundation. Formerly, before the present quay was constructed, the water in high tides sometimes made its way into the Hall. The mention of this reminds me of one or two of Curran's jokes. Upon one occasion, not only the Hall, but the subterraneous cellars in which the bar dresses are kept, were inundated. When the counsel went down to robe, they found their wigs and gowns

if not extinguished ; there was even something, as they sauntered to and fro, in their languid gait and undecided movements, from which it could be inferred that their sensations were melancholy and irksome.

I was for some time at a loss to account for this extreme disproportion between the supply and the demand ; so much greater than any ever known to exist in England. During my stay in Dublin, I accidentally fell into conversation with an intelligent Irish gentleman, who in the early part of his life had been connected for some years with the profession of the law. I mentioned what I had observed, and asked for an explanation : he gave it pretty nearly as follows ; and, allowing now and then for a little national exaggeration of manner and expres-

afloat ; Curran, for whom a cause was waiting, seized the first that drifted within reach, and appeared in court, dripping like a river-god.—“ Well, Mr. Curran,” asked one of the Judges, “ how did you leave your friends coming on below ? ” —“Swimmingly, my Lord.” In the course of the morning, one of these learned friends (who, from missing his footing, had come in for a thorough sousing) repeatedly protested to their Lordships, that he should feel ashamed to offer such and such arguments to the Court.—Curran, in reply, complimented him upon his delicacy of feeling, which he represented as “ truly a high and rare strain of modesty, in one who had just been dipped in the Liffey.”

sion, I am inclined to confide in what he stated, as substantially correct.—“Your remark is just, that our Bar is grievously overstocked; and crowds of fresh members are flocking to it every term, as if for the sole purpose, and certainly with the effect, of starving one another. If the annual emoluments of the profession were collected into a common fund, and equally distributed among the body, the portion of each would not exceed a miserable pittance. The ordinary explanation of this is, that the profession of the law is like a lottery, where the greatness of the prizes allures an extraordinary number of competitors: this is true to a certain extent in England, as well as here; but I suspect with this difference, that in England almost every person, before he purchases a ticket, assures himself that he has not only some chance of the highest prizes, but a great chance of the intermediate and smaller ones; whereas with us not more than one-fourth of the holders have the slightest ground of calculating upon either the one, or the other.

“This inordinate preference for the profession of the Bar in this country arises from many causes. As one of the chief, I shall mention the preposterous ambition of our gentry, and their fantastic sensitive-



ness on the article of 'family pride.' All our distresses and humiliations have not yet tamed us into right notions upon the most important concerns of life. In everything we still prefer glare to substance,—in nothing more than in the choice of a profession for our sons. An Irish father's first anxiety is to give his son a calling, in every way befitting the ancient dignity of his name; and, in this point of view, the Bar has peculiar attractions. It is not merely that it may, by possibility, lead to wealth, or, perhaps, to a peerage, or a seat in the privy council, though these are never left out of the account, but, independently of all this, an adventitious dignity has been conferred upon it, as a profession, by the political circumstances of the country. Until the act of 1792, no Roman Catholic could become a barrister; all the emoluments and dignities of the law were the exclusive property of the privileged few; and they were so considerable, that the highest families in the kingdom rushed in to share them. This stamped an aristocratic character and importance upon the profession. To be a 'counsellor' in those days was to be no ordinary personage. Many of them belonged to noble houses; many were men of name and authority in the state; all of them, even the least

distinguished, caught a certain ray of glory from the mere act of association with a favoured class, contending for the most dazzling objects of competition.

“Much of this has passed away; but a popular charm, I should rather say a delusion, still attaches to the name; and parents, duped by certain vague and obsolete associations, continue to precipitate their sons into this now most precarious career without the least advertence to their substantial prospects of success, and in utter ignorance of the peculiar habits and talents required to obtain it. It is a common by-word with us, ‘that no one who really deserves to succeed at our Bar will fail.’ This may be very true; but what a complication of qualities, what a course of privation, what trials of taste, and temper, and pride, are involved in that familiar and ill-understood assertion. A young barrister, who looks to eminence from his own sheer, unaided merits, must have a mind and frame prepared by nature for the endurance of unremitting toil. He must cram his memory with the arbitrary principles of a complex and incongruous code, and be equally prepared, as occasion serves, to apply or misapply them. He must not only surpass his competitors in

the art of reasoning right from right principles—the logic of common life; but he must be equally an adept in reasoning right from wrong principles, and wrong from right ones. He must learn to glory in a perplexing sophistry, as in the discovery of an immortal truth. He must make up his mind and his face to demonstrate, in open court, with all imaginable gravity, that nonsense is replete with meaning, and that the clearest meaning is manifestly nonsense ‘by construction.’

“This is what is meant by ‘legal habits of thinking;’ and to acquire them, he must not only prepare his faculties by a course of assiduous and direct cultivation, but he must absolutely forswear all other studies and speculations that may interfere with their perfection. There must be no dallying with literature—no hankering after comprehensive theories for the good of men; away must be wiped all such ‘trivial fond records.’ He must keep to his digests and indexes. He must see nothing in mankind but a great collection of plaintiffs and defendants, and consider no revolution in their affairs as comparable in interest to the last term report of points of practice decided in *Banco Regis*. As he walks the streets, he must give way to no senti-

mental musings. There must be no 'commercing with the skies;' no idle dreams of love, and rainbows, and poetic forms, and all the bright illusions upon which the 'fancy-free' can feast. If a thought of love intrudes, it must be connected with the law of marriage settlements, and articles of separation from bed and board. So of the other passions; and of every the most interesting incident and situation in human life—he must view them all with reference to their 'legal effect and operation.' If a funeral passes by, instead of permitting his imagination to follow the mourners to the grave, he must consider how far the executor may not have made himself liable for a waste of assets by some supernumerary plumes and hatbands, beyond 'the state and circumstances of the deceased;'—or if his eye should light upon a requisition for a public meeting, to petition against a grievance, he must regard the grievance as immaterial, but bethink himself whether the wording of the requisition be strictly warrantable under the provisions of the Convention Act.

"Such is a part, and a very small part, of the probationary discipline to which the young candidate for forensic eminence must be prepared to submit; and if he can hold out for ten or fifteen years,

his superior claims may begin to be known and rewarded. But success will bring no diminution of toil and self-denial. The bodily and mental labour alone of a successful barrister's life would be sufficient, if known beforehand, to appal the stoutest. Besides this, it has its many peculiar rubs and annoyances. His life is passed in a tumult of perpetual contention, and he must make up his sensibility to give and receive the hardest knocks. He has no choice of cases; he must throw himself heart and soul into the most unpromising that is confided to him. He must fight pitched battles with obstreperous witnesses. He must have lungs to outclamour the most clamorous. He must make speeches without materials. He must keep battering for hours at a jury that he sees to be impregnable. He is before the public, and at the mercy of public opinion, and if every nerve be not strained to the utmost to achieve what is impossible, the public, with its usual good-nature, will attribute the failure to want of zeal or capacity in the advocate—to any thing rather than the badness of the cause. Finally, he must appear to be sanguine, even after a defeat; and be prepared to tell a knavish client, that has been beaten out of the courts of common law, that

his 'is a clear case for relief in equity.' The man who can do all this deserves to succeed, and will succeed; but unless he be gifted with the rare qualifications of such men as Curran, Bushe, and Plunket, or be lifted by those fortuitous aids upon which few have a right to count, he cannot rationally expect to arrive at eminence in his profession upon less rigorous conditions.

"Hitherto," continued my informant, "I have been speaking of such as come to the bar as simply and solely to a scene of professional exertion; but there is another and a still more numerous class, who are sent to it for the sake of the lucrative offices with which it abounds. It was no sooner discovered that our bar was influential, and likely, on occasions, to be a troublesome body in the state, than the most decisive measures were taken to break its spirit. Places were multiplied beyond all necessity, and all precedent in England. By a single Act of Parliament, two and thirty judicial offices were created, to be held by barristers of six years' standing, and averaging each from five to eight hundred pounds a year. This was one of the political measures of the late Lord Clare, an able lawyer, and excellent private character; but, like many other

sound lawyers, and worthy gentlemen, a most mischievous statesman. He had felt in his own experience, how far the receipt of the public money may extinguish a sensibility to public abuses. And he planned and passed the Bar Bill. The same policy has been continued to the present day. The profession teems with places of emolument; and the consequence is, that every subdivision of the 'parliamentary interest' deputes its representative, to get forward in the ordinary way, as talents or chance may favour him, but at all events, to receive in due time his distributive portion of the general patronage."

The views of Lord Clare, and his successors, have been to a certain extent attained. The Irish bar no longer takes any part, as a body, in public concerns; but if it were expected that they were to be disciplined into a corps of corrupt and violent partizans, the plan, for the honour of their country and their profession, has failed. I could collect that it is very unusual for any of these, either expecting or enjoying favours of the government, ever to make themselves unworthily conspicuous, by clamouring for a continuance of the system under which they thrive. If they have not the high virtue to sacrifice their personal interests to the public good, they at least have

the dignity to abstain from all factious co-operation with the party to which they are considered to belong; and in Irish politics, neutrality of this kind is no ordinary merit.

I must also add, as highly to the credit of the Irish bar, that their personal independence, in the discharge of their professional duties, has continued as it used to be in the best days of their country. The remark applies to the general spirit of the entire body. There may be exceptions that escaped my observation; but I could perceive no symptoms of subserviency—no surrender of the slightest tittle of their clients' rights to the frowns or impatience of the bench. I was rather struck by the peculiarly bold and decisive tone, with which, when occasions arose, they asserted the privileges of the advocate. An idea has prevailed of late, let me hope incorrectly, that with us a political defendant has a difficulty in finding an advocate, upon whose nerves and zeal he can rely. Such a suspicion has never been entertained in Ireland. Humbled and exhausted as she has been, her bar has not yet been drained of its purity and strength. In that country an obnoxious defendant has much to fear, and from many quarters; but when the hour of his trial approaches, he has,



at least, the consolation of knowing, that he can never want the support, and to any number he may wish, of able and honourable men, in whose loyalty to their trust, and intrepidity in discharging it, he may confidently repose.

While I am upon this subject, I cannot omit a passing remark upon another quality, by which I consider the gentlemen of this bar to be pre-eminently distinguished—the invariable courtesy of manners which they preserve amidst all the hurry and excitement of litigation. The present Chancellor of Ireland, himself a finished gentleman, was struck upon his arrival ‘by the peculiarly gentlemanlike manner in which he observed business transacted in his court.’ I can specially refer, as an instance of this forensic suavity, to Mr. Bushe.—He is the great model of this quality. He hands up a point of law to the bench with as much grace and pliancy of gesture, as if he were presenting a court lady with a fan. This excessive finish is peculiar to himself; but the spirit which dictates it is common to the entire profession. Scenes of turbulent altercation are inevitably frequent, and every weapon of disputation—wit and sneers, and deadly brain blows must be employed and encountered; but the contest is

purely intellectual: it is extremely rare indeed that any thing approaching to an offensive personality escapes. I confess that I far prefer this systematic respect for the high feelings of the gentleman to the less courtly usage of our bar,—where I have not unfrequently heard flat contradictions, and unqualified imputations of professional ignorance, very liberally bandied to and fro between the learned combatants. Nothing of this ultra-forensic warmth occurs in the Irish courts. It is avoided on common principles of good taste: it is also prevented, if I am rightly informed, by the understood feeling that anything bordering upon personal rudeness must infallibly lead to a settlement out of court.

When I first frequented the courts in Dublin, I went entirely with the view of witnessing the specimens of forensic talent displayed there. The result of my observations upon these will come in more naturally in connection with the particular characters of whom I propose to treat. But I found more than I had expected; and one circumstance that very forcibly struck me, demands a few words apart. I would recommend to any stranger wishing to obtain a thorough insight into the state of manners and morals in the interior of Ireland, without incurring

the risk of a visit to the remoter districts, to attend upon a few motion days in any of the Irish Courts of Common Law. A large portion of these motions relate to ineffectual attempts to execute the process of the law ; and the facts that daily come out, offer a frightful, and most disgraceful picture of the lawless habits of the lower, and also, I regret to add, of the higher orders of the community. One of our Judges in Westminster Hall, would start from his seat, in wonder and indignation, at the detail of scenes, to which the Irish Judges, from long familiarity, listen almost unmoved, as to mere ordinary outrages of course.

The office of a process-server in Ireland appears to be, indeed, a most perilous occupation, and one that requires no common qualities in the person that undertakes it : he must unite the courage and strength of the common soldier, with the conduct and skill in stratagem of the experienced commander ; for woe betide him, if he be deficient in either. The moment this hostile herald of the law is known to be hovering on the confines of a Connaught gentleman's domain (that sacred territory into which His Majesty's writs have no right to run,) the proud blood of the defendant swells up to the boiling point,

and he takes the promptest measures to repel and chastise the intruder: he summons his servants and tenants to a council of war; he stiffens their fidelity by liberal doses of "mountain-dew;"<sup>1</sup> they swear they will stand by "his honour" to the last. Preparations as against a regular siege ensue; doors and windows are barred; sentinels stationed; blunderbusses charged; approved scouts are sent out to reconnoitre; and skirmishing parties, armed with cudgels and pitchforks, are detached along every avenue of approach.

Having taken these precautions, the magnanimous defendant shuts himself up in his inmost citadel to abide the issue. The issue may be anticipated; the messenger of the law is either deterred from coming near, or, if he has the hardihood to face the danger, he is way-laid and beaten black and blue for his presumption:—if he shows the King's writ, it is torn from him, and flung back in fragments in his face. Resistance, remonstrance, and intreaties are all unavailing; nothing remains for him but to effect his retreat, if the power of moving be left him, to the nearest magistrate, not in the interest of the defend-

<sup>1</sup> Illicit whiskey—so called from being generally distilled on the mountainous tracts.

ant, where, with the help of some attorney that will venture to take a fee against "his honour," he draws up a bulletin of his kicks and bruises in the form of an affidavit, to ground a motion that "another writ do issue;" or, as it might be more correctly worded, "That another process-server do expose himself to as sound a thrashing as the last." This is not an exaggerated picture; and in order to complete it, it should not be omitted that the instigator of the outrage, as soon as he can with safety appear abroad, will to a certainty be found among the most clamorous for proclamations and insurrection-acts, to keep down the lawless propensities of his district.

I have offered a specimen of Irish society, as I could collect it from affidavits daily produced in court; yet, shocking and disgusting as the details are, I confess it is not easy to repress a smile at the style in which those adventurous scenes are described. The affidavits are generally the composition of country-attornies. The maltreated process-server puts the story of his injured feelings and beaten carcase into the hands of one of these learned penmen; and I must do them the justice to say, that they conscientiously make the most of the task con-

fided to them. They have all a dash of national eloquence about them; the leading qualities of which, metaphor, pathos, sonorous phrase, impassioned delineation, &c. they liberally embody with the technical detail of facts, forming a class of oratory quite unknown to the schools,—“The Oratory of the Affidavit.”

What British adviser, for instance, of matters to be given in on oath, would venture upon such a statement as the following, which I took down one day in the Irish Court of Common Pleas:—  
“And this deponent farther saith, that on arriving at the house of the said defendant, situate in the county of Galway aforesaid, for the purpose of personally serving him with the said writ, he, the said deponent, knocked three several times at the outer, commonly called the hall-door, but could not obtain admittance; whereupon this deponent was proceeding to knock a fourth time, when a man, to this deponent unknown, holding in his hands a musket or blunderbuss, loaded with balls or slugs, as this deponent has since heard and verily believes, appeared at one of the upper windows of said house, and, presenting said musket or blunderbuss at this deponent, threatened, ‘that if this depo-

nent did not instantly retire, he would send his, this deponent's, soul to hell;' which this deponent verily believes he would have done, had not this deponent precipitately escaped." Truly a judicious selection of these interesting documents would present a very lively and edifying picture of society in many parts of the Sister Island. In the present taste for the semi-barbarous, I do not even see why a spirited national tale might not be founded upon the romantic adventures of an Irish process-server. As far as broken heads, and hair-breadth escapes are concerned, the writer would assuredly find no want of materials.

THE RIGHT HONOURABLE  
WILLIAM CONYNGHAM PLUNKET.

[August, 1822.]

MR. PLUNKET's father was a Presbyterian clergyman in the North of Ireland. He died during the infancy of his children, leaving them and his widow with a scanty provision: but learning has always been cheap in Ireland, and Mrs. Plunket contrived to procure for her sons a classical education. The subject of the present notice was, at an early age, befriended by the late Lord Avonmore. I have conversed with one or two persons who recollect to have seen him a constant inmate at his Lordship's house, and their report of him is, "that he was a clever, hard-headed boy, very attentive to his studies, and very negligent of his person." He passed in due



course through Trinity College, Dublin; and was called to the Irish Bar in 1787. His professional advancement was rapid and steady. The first public notice that I can find of his name is upon the trial of the Sheareses, in 1798: he was associated with Curran and Ponsonby in the defence of the unfortunate brothers, and, like them, vainly urged every topic that legal ingenuity could devise to avert their doom. I am not aware that Mr. Plunket appeared as counsel for prisoners in any subsequent state-trial.

He became a member of the Irish Parliament in 1797. On the question of the Union, he took the side of his country: his speeches on that occasion contain many fine specimens of reasoning, invective, and deliberate enthusiasm. A single sentence will convey an idea of their general spirit:—"For me, I do not hesitate to declare, that if the madness of the Revolutionist should tell me 'you must sacrifice British connection,' I would adhere to that connection in preference to the independence of my country; but I have as little hesitation in saying that, if the wanton ambition of a minister should assault the freedom of Ireland, and compel me to the alternative, I would fling the connection to the

winds, and I would clasp the independence of my country to my heart." But in those days, as was remarked, "the voice of the patriot in the senate was answered by no echo from without." The nation was panic-struck; gold and promises were profusely scattered; the majority of the "Honourable House" were impatient to be sold, though the wages of their sin was death. The people had nothing to offer but gratitude and fame—the minister had titles, offices, and pensions, and the Irish Parliament was knocked down to the highest bidder.

In 1803 Mr. Plunket appeared as one of the counsel for the prosecution on the trial of Mr. Robert Emmet. One particular of his conduct on that occasion exposed him to great, and, as it appears to me, most unmerited reproach. The unfortunate prisoner made no defence—in truth, he had none to make: he produced no evidence, and his counsel announced that they would state no case to the jury. On this ground, they contended that the counsel for the Crown should not be allowed to address the jury a second time. Mr. Plunket insisted upon his right: the Court decided the question in his favour, and he proceeded to comment at length upon the conduct of the prisoner, and upon

the wildness and guilt of the conspiracy of which he had been the projector. Emmet's youth and talents, and his deportment on his trial, excited universal sympathy: almost all, even those who would not consent to spare him, pitied him as a victim—many admired and deplored him as a martyr. The latter exclaimed against Mr. Plunket's exercise of his privilege to speak to the evidence, as an act of gratuitous inhumanity.

I confess I see the matter in quite another light. Mr. Plunket was a public man, whose opinions had great weight with the community; and I conceive it to have been both natural and laudable, that he should have seized the opportunity of reprobating, in the most emphatic terms, the visionary projects of revolution that still prevailed. Curran, from a similar impulse of public duty, had done the same thing a few days before on the defence of Owen Kirwan, where we find him digressing from the immediate case before the jury, into an elaborate and glowing exposition of the guilt and hopelessness of attempting to better the condition of Ireland by force. But the enemies of Mr. Plunket were not satisfied with a general assertion that his conduct had been unnecessarily harsh. To affix a deep

stigma upon his character, it was industriously circulated that he had been a constant guest of Emmet's father, at whose table he had inculcated political principles upon the son which now brought him to the grave; and, to give credit to the calumny, a passage was interpolated in the report of Emmet's address to the Court, in which the dying enthusiast was made to pronounce a bitter invective against "the viper that his father had nurtured in his bosom."

Mr. Plunket was compelled to resort to a public vindication of his character. He instituted legal proceedings against a London journal in which the libel was inserted, and obtained a verdict: he also published an affidavit, positively denying every material fact in the accusation. He might have gone farther, and have truly sworn that the accusation was never made, until after the supposed accuser was in his grave. I have conversed with several who were present at the trial, one or two of them friends and admirers of Emmet: they all solemnly assured me that not a syllable escaped his lips bearing the remotest allusion to the charge; and the omission in Mr. Plunket's affidavit of this conclusive circumstance, was pointed out to me as

a singular absence of sagacity in a man so notoriously sharp-sighted where the concerns of others are confided to his care. I should not have dwelt thus long upon this transaction, were it not that "Mr. Plunket's conduct to Robert Emmet" is, to this day, frequently adverted to, by persons unacquainted with the particulars, as an indelible blemish upon his reputation.

Mr. Plunket was made Solicitor-General in 1803, and Attorney-General and a Privy Councillor in 1805. He retained his place when the Whigs came into office, in 1806. I believe that this was the commencement of his connection with Lord Grenville, to whose party he has since adhered. After the death of Mr. Fox, it was intimated to him that the new administration had no intention of superseding him, but he preferred to follow the fortunes of Lord Grenville, and resigned. Since 1812 he has sat in the Imperial Parliament, as a member for the University of Dublin.

Mr. Plunket has for some years past confined himself to the Court of Chancery, where he holds the same pre-eminence that our Romilly did in this country. Of all the eminent lawyers I have heard, he seemed to me to be the most admirably qualified

for the department of his profession in which he shines. His mind is at once subtle and comprehensive: his language clear, copious, and condensed: his powers of reasoning are altogether wonderful. Give him the most complicated and doubtful case to support—with an array of apparently hostile decisions to oppose him at every step—the previous discussion of the question has probably satisfied you, that the arguments of his antagonists are neither to be answered nor evaded—they have fenced round the rights of their clients with all the great names in equity—Hardwicke, Camden, Thurlow, Eldon:—Mr. Plunket rises: you are deeply attentive, rather from curiosity to witness a display of hopeless dexterity, than from any uncertainty about the event. He commences by some general, undisputed principle of law, that seems, perhaps, at the first view not to bear the remotest relation to the matter in controversy; but to this he appends another and another, until, by a regular series of connected propositions, he brings it down to the very point before the Court, and insists, nay demonstrates, that the Court cannot decide against him without violating one of its own most venerated maxims.

Nothing can be more masterly than the manner

in which all this is done. There is no ostentation of ingenuity and research. Everything is clear, simple, and familiar: you assent without a struggle to each separate conclusion. It is only when you are brought to the ultimate result, that you startle at discovering the consummate skill of the logician, who, by wily and imperceptible approaches, has gained a vantage point, from which he can descend upon his adversaries, and compel them to abandon a position that was deemed impregnable. But Lords Hardwicke, Thurlow, Camden, &c., are said to be against him. The advocate accordingly proceeds to examine each of these authorities in detail—he analyses their language—by distinctions that seem natural and obvious, but which in reality are most subtle, he shows how capable it is of various interpretations—he confronts the construction contended for by conflicting decisions of the same judges on other and similar occasions—he points out unsuspected anomalies that would arise from adopting the interpretation of his adversaries, and equally unsuspected accordances with general principles that would follow his own. He thus goes on, until, by reiterated processes of matchless sagacity, he has either neutralized, or absolutely brought over to

support himself, all the authorities upon which his opponents most firmly relied; and he sits down, leaving the Court, if not a convert to his opinion, at least grievously perplexed to detect and explain the fallacies upon which it rests.

Mr. Plunket is not said to be a profound lawyer: he cites fewer cases than any other counsel at the Irish Bar; and, on common occasions, frequently contents himself with merely commenting upon those adduced against him. His supremacy is altogether intellectual. He leaves to others the technical drudgery of wading through tomes and indexes in search of legal saws and "modern instances:" the moment a question is submitted to him, his mind intuitively applies all the great principles that are favourable or hostile: these he has firmly fixed and scientifically arranged in his memory; and so far may he be said to be never unprepared. For the rest he depends upon the resources of a talent that never fails him—upon his resistless vigour, where he is right and sincere—upon his formidable ingenuity and sophistry, where he cannot venture to be candid—upon his extemporaneous power of going through the most intricate processes of thought with all the ease and



familiarity of ordinary discourse; and most of all upon a rapid apprehension, which grasps and secures the entire of any proposition, of which a single particle may chance to flit across his mind—a perfection of faculty, that enables him to draw the most unexpected conclusions from the topics adduced against him, and thus to render all the industry of his antagonists subservient to his own occasions.

This, though an imperfect sketch, will convey some general ideas of this eminent advocate; but there is one peculiarity in his powers, which to be adequately comprehended must be actually witnessed. I allude to his capacity (in which he exceeds every public speaker I ever heard) of pouring out, I would almost say indefinitely, a continuous, unintermitted volume of thought and language. In this respect, I look upon Mr. Plunket, going through a long and important argument in the Court of Chancery, to be a most extraordinary exhibition of human intellect. For hours he will go on and on, with unwearied rapidity, arguing, defining, illustrating, separating intricate facts, laying down subtle distinctions, prostrating an objection here, pouncing upon a fallacy there, then retracing his steps and re-stating in some original point of view his general proposition; then

flying off again to the outskirts of the question, and dealing his desultory blows with merciless reiteration, wherever an inch of ground remains to be cleared; and during the whole of this, not only does not his vigour flag for a single instant, but his mind does not even pause, for a topic, an idea, or an expression.<sup>1</sup>

This velocity of creation, arrangement, and delivery, is quite astonishing; and what adds to your wonder is, that it appears to be achieved without an effort. Mass after mass of argument is thrown off, conveyed in phraseology vigorous, appropriate, and succinct; while the speaker, as if the mere minister and organ of some hidden power that saves him the cost of laborious exertion, appears solely anxious to impress upon others his own reliance upon the force of what seems to come unsought. This singular command over his great powers, coupled with his imposing

<sup>1</sup> This must be understood with a certain qualification. It would not be literally true of him to say, that he never paused. On the contrary, his short pauses were frequent, and often occurred in the very middle of a sentence—but to those who watched him it was manifest, that this occasional hesitation, instead of indicating a defect of fluency, was generally only one of his artifices of delivery. Whether speaking extemporaneously, or giving prepared passages from memory, he would often stop for a moment, pretending that he was in search of that more expressive word or phrase which he already had secure within his grasp.

exterior and masculine intonations, gives extraordinary weight to all he says. From his unsuspected earnestness of tone and manner, you would often imagine that his zeal for his client was only secondary to a deeper anxiety that the Court should not violate the uniformity of its decisions, by establishing a precedent fraught with anomaly and danger, while the authoritative ease and perspicuity with which he states and illustrates his opinions, gives him the air, as it were, of some high legal functionary, appearing on behalf of the public, not so much to debate the question before the Court, as to testify to the law that should decide it. So that in respect to this quality of apparent conviction and good faith, we may well apply to Mr. Plunket the words of Cicero in commendation of one of the ancient orators of Rome; nor will the illustration be found to fail from any want of coincidence in the personal characters of the two men: "*In Scauri oratione, sapientis hominis et recti, gravitas summa et naturalis quædam inerat auctoritas, non ut causam, sed ut testimonium dicere putares.*"<sup>1</sup>

But although Mr. Plunket is thus skilful in giving

<sup>1</sup> "The speeches of Scaurus, who was a wise and virtuous man, were distinguished by the utmost dignity, and by a certain natural imposing authority, which led his audience to

plausibility to reasonings that do not satisfy himself, I think it just to add (what I have heard asserted) that even his own fine understanding is often the dupe of his other faculties, and that, in the hurry and fervour of argumentation, his judgment, with all its vigilance, cannot escape the snares his ingenuity has weaved for others. I have even fancied at times (when, in the course of a cause, some unexpected point of law is started) that I have observed his argumentative devices in the very act of imposing themselves upon his mind as irrefutable conclusions. He rises to make, perhaps, a single observation, and is about to resume his place, when a new topic in support of his argument flashes across his mind. As he proceeds to state it, fresh principles and illustrations crowd in to defend him in his position: an incidental remark is thus expanded into an elaborate piece of reasoning, during the progress of which, he gradually becomes more confident and earnest, until, from the intense ardour with which he follows up each successive advantage, he finally works himself into a conviction, that all the merits of the question are on his side.

suppose that he appeared less in the character of an advocate than of a witness."

But it is only when he is the retained advocate of a particular party, whose claims he has to sustain in open court, that Mr. Plunket is subject to this species of mental deception. In the cold and cautious meditation of the closet, when he has to pronounce upon a disputable case submitted for his opinion, the predominance of his argumentative powers operates upon his judgment in quite another way. Instead of rushing to hasty conclusions, he finds a difficulty in coming to any conclusion at all. The very perfection of some of his faculties, his sagacity, his subtilty, and his intuitive perception of the remotest consequences of any given premise, which render him so powerful as an advocate, have in this case only the effect of incumbering him with equal arguments and equal difficulties on either side, and, thus, of keeping his mind in a state of logical suspense. This fact is well known, and the consequence (I speak from general report) is, that, in this department of his profession, his practice is utterly disproportioned to his great experience and his unrivalled estimation.

The effect of Mr. Plunket's powers is greatly aided by his external appearance. His frame is tall, robust, and compact. His face is one of the most striking I ever saw ; and yet the peculiarity lies so much more

in the expression than the outline, that I find it not easy to describe it. The features on the whole are blunt and harsh. There is extraordinary breadth and capacity of forehead ; and when the brows are raised in the act of thought, it becomes intersected with an infinite series of parallel lines and folds. Neither the eyes nor brows are particularly expressive ; nor indeed can I say that any of the other features would singly indicate the character of the man, if I except a peculiar muscular largeness and rigidity about the mouth and lips, from which you may collect, that smiling has "never been their occupation." The general character of Mr. Plunket's countenance is deep seriousness—an expression that becomes more strongly marked from the unvarying pallor that overspreads his features. It is literally "the pale cast of thought."

Some have accused his physiognomy as being unsocial and austere. To me it appeared, that the signs of those qualities have been confounded with the natural, and now indelible, traces of a grave and vigorous intellect, habitually absorbed in masculine investigations, and preferring to dwell in the midst of its own thoughts. Nor do I find any thing repelling in the circumstance that his features seldom descend for a moment from their dignity. Knowing

what his mind and his history have been, I am prepared for what I meet. I find no flashes of sensibility, no play of shifting or conflicting emotions, but a calm, constitutional severity of aspect, importing a mind conscious of its powers, and vigilantly keeping them in unremitted discipline against the daily task that awaits them. I expected to have found a tinge of melancholy in Mr. Plunket's features—such as I had observed in Grattan, and some other eminent Irishmen, who had attended the parliament of their country in its last moments, and who could find nothing in after-life to console them for the loss. I often heard Mr. Grattan speak upon that event. I had no national sympathy with his sorrow, yet I never found him more eloquent, or interesting, than when, in a circle of his private friends, he poured out his indignation against a measure that had baffled all his hopes, and his unavailing regret that he had been too confiding at a conjuncture when it was possible to have averted the disaster. But I could discern no traces of similar sentiments in Mr. Plunket's looks. He was, however, a much younger man, and could form new views and attachments; nor is it perhaps surprising that, at this distance of time, he should not revert with sadness to an event, which, in its

consequences, has opened to him so much larger a field for the exhibition of his powers.

Mr. Plunket's manner is not rhetorical—it is (what I consider much better) vigorous, natural, and earnest. He has no variety of gesture, and what he uses seems perfectly unstudied. He is evidently so thoroughly absorbed in his subject, as to be quite unconscious that he has hands and arms to manage. He has a habit, when he warms, as he always and quickly does, of firmly closing both hands, raising them slowly and simultaneously above his head, and then suddenly striking them down with extraordinary force. The action is altogether ungraceful; but its strength, and I would even add, its appropriateness to the man, and to his stern simplicity of character and style, atone for its inelegance. Besides, this very disdain of the externals of oratory has something imposing in it: you are made to feel that you are in the presence of a powerful mind, that looks to itself alone, and you surrender yourself more completely to its guidance, from the conviction that no hackneyed artifice has been employed to allure your confidence.

Mr. Plunket's delivery, as already mentioned, is uncommonly rapid, but his articulation is, at the



same time, so distinct that I seldom lost a word. In calm discussion his intonations are deep, sonorous, and dignified : when he becomes animated, his voice assumes a higher pitch, and the tones, though always natural and impressive, are occasionally shrill. His extemporaneous powers of expression are not to be described by the common term, fluency. It is not merely over words and phrases, but over every possible variety of construction, that he appears to hold an absolute command. The consciousness of this power often involves him in grammatical difficulties. He allows a thought to drift along into the midst of obstructions, from which no outlet can be descried, as if for the mere purpose of surprising you by his adroitness when he discovers the danger, in steering it safely through all the straits and intricacies of speech—or by the boldness with which he forces a passage if he cannot find one. But it is only over argumentative diction that he has acquired this mastery : when he calls in the aid of sentiment and passion to enforce his logic, his phraseology labours, and, if the passage be unpremeditated, frequently falls short of the strength and dignity of the conception. But his deficiency in this respect evidently proceeds from want of practice, not of

capacity; nor does the exertion, that it costs him to supply appropriate language, ever restrain him from illustrating a legal argument, by any bold practical figure that may cross his mind.<sup>1</sup>

Mr. Plunket is a memorable, and, I believe, a solitary instance of an eminent barrister, whose general reputation has been increased by his parliamentary efforts. His speeches on the Union, in the Irish House of Commons, raised him at once to the first class of parliamentary orators. When he was returned by the University of Dublin (in 1812) to the imperial senate, Curran publicly predicted that his

<sup>1</sup> I shall cite a single example: it will also serve as a specimen of the proneness to imagery that prevails in the Irish courts. The question turned upon the right of presentation to a living. Mr. P.'s clients and their predecessors had been in undisturbed enjoyment of the right for two centuries; the opposite party called upon them to show their original title. Mr. P. insisted upon the legal presumption, arising from this long possession, that the title had been originally a good one, though the deeds that had created it had been lost, and consequently could not be produced. In commenting upon the necessity and wisdom of such a rule of law, without which few properties of ancient standing could be secure, he observed—"Time is the great destroyer of evidence, but he is also the great protector of titles. If he comes with a scythe in one hand to mow down the muniments of our possessions, he holds an hour-glass in the other, from which he incessantly metes out the portions of duration that are to render those muniments no longer necessary."

talents would create a similar sensation here: I need not add how completely the prophecy has been fulfilled. It would lead me too far to enter into a minute examination of Mr. Plunket's parliamentary style and manner; in many points I should have to repeat some of the foregoing remarks. I cannot, however, forbear to observe, that his language and views in the House of Commons discover a mind that has thoroughly escaped the noxious influence of his professional habits. He has shown that it is possible for the same person to be a most subtle and dexterous disputant upon a technical subject, and a statesman-like reasoner upon a comprehensive one.

With regard to his political tenets—his opposition to the Union, his connection with the whig administration of 1806, and his subsequent exertions in favour of Catholic Emancipation, seem to have placed him on the list of Irish patriots; but his support of popular privileges, where he has supported them, appears to be entirely unconnected with popular sympathies—his patriotism is a conclusion, not a passion. In all questions between the people and the state, it is easy to perceive that he identifies himself with the latter; he never, like Fox and Grattan, flings himself, in imagination, into the

popular ranks, to march at their head, and in their name, and, as one of them, to demand a recognition of their rights. Mr. Plunket has not temperament for this. He studiously keeps aloof from the multitude, and even when their strenuous advocate, lets it be seen that he thinks for them, not with them—he never warms into “the man of the people.” His most animated appeals in their behalf retain the tone of a just and enlightened aristocrat, gravely and earnestly remonstrating with the members of his own body upon the danger and inexpediency of holding out against the immutable and unconquerable instincts of human nature.

The only exception that I recollect to these remarks, occurs in his speeches against the Union. There he boldly plunged into first principles; as among other instances when he exclaimed, “I in the most express terms deny the competency of parliament to do this act—I warn you, do not dare to lay your hand on the Constitution. I tell you that if, circumstanced as you are, you pass this act, it will be a nullity, and that no man in Ireland will be bound to obey it. I make the assertion deliberately—I repeat it—and I call on any man who hears me to take down my words; you have not been elected for

this purpose—you are appointed to make laws, and not legislatures. You are appointed to act under the Constitution, not to alter it; to exercise the functions of legislators, and not to transfer them; and if you do so, your act is a dissolution of the government: you resolve society into its original elements, and no man in the land is bound to obey you.” Yet even here, and in some bolder declarations on the same occasion, I am inclined to suspect that Mr. Plunket assumed this indignant tone, rather as a member of the assembly whose independence was assailed, than from any impassioned sympathy with the general rights of the body that he represented. Had the question been a popular reform, instead of the extinction of the Irish parliament, he would, in all likelihood, have been equally vehement in resisting the innovation.

Mr. Plunket’s general reading is said to be limited; and if we may judge from the rareness of his allusions to the great writers of ancient and modern times, the opinion is not unfounded. When he was about to appear in the British parliament in 1812, it was whispered among his friends that he prepared himself with information on the general state of European politics from the most ordinary

sources: he wanted facts, and he took the shortest and easiest method of collecting them. I have understood that up to a recent period, he frequently employed his leisure hours upon some elementary treatise of pure mathematics. If the fact be so, it affords a striking proof of the vigour of a mind which could find a relaxation in such a pursuit.

I have already glanced at a resemblance between Mr. Plunket and the late Sir Samuel Romilly. If I were to pursue the comparison into the private characters of the two men, the points of similarity would multiply, and in no particular more strikingly than in the softness and intensity of their domestic affections. But this is sacred ground: yet I cannot forbear to mention that it fell to my lot (when in Ireland) sitting as a public auditor in the gallery of the Court of Chancery, to witness a burst of sensibility, which, coming from such a man as Mr. Plunket, and in such a place, sent an electric thrill of sympathy and respect through the breasts of the audience. An aged lady, on the day after her husband's death, had signed a paper resigning her right to a portion of property to which she became entitled by his decease, and the question was, whether her mind at the time was perfectly calm

and collected. Mr. Plunket insisted that it was not in human nature that it could be so at such a crisis :—" She had received a blow such as stuns the strongest minds ; after a union of half a century of uninterrupted affection, to find the husband, the friend, the daily companion, suddenly called away for ever !" He was proceeding to describe the first anguish and perturbation of spirit that must befall the survivor of such a relation, when he suddenly recognized in the picture all that he had himself a little while before endured. The recollection quite subdued him—he faltered, and became inarticulate even to sobbing. I cannot describe the effect produced throughout the court.

I have thus attempted to present a sketch of this eminent Irishman, in matters of intellect unquestionably the most eminent that now exists. If I intended it to be anything but a hasty sketch, I should feel that I had been unjust to him : some of his powers—his wit and irony, for example, in both of which he excels, and his cutting and relentless sarcasm, where vice and folly are to be exposed—have been altogether unnoticed ; but his is the "*versatile ingenium*," and in offering the result of my observations upon it, I have been compelled to

select rather what I could best describe than what I most admired; and even if I had succeeded in a delineation of all the powers that raise Mr. Plunket above ordinary men, I should have had to add, that our admiration of him is not limited by what we actually witness. We speculate upon his great attributes of intellect, and ask, "what might they not have achieved, had his destiny placed him in the situation most favourable to their perfect development? If, instead of wasting them upon questions of transitory interest, he had dedicated them solely to the purposes of general science—to metaphysics, mathematics, legislation, morals, or (what is but spoken science) to that best and rarest kind of eloquence, which awakes the passions only that they may listen to the voice of truth—to what a height and permanence of fame might they not have raised him?"

These reflections perpetually force themselves upon Mr. Plunket's admirers: we lament to see the vigour of such a mind squandered upon a profession and a province. We are incessantly reminded, that, high and successful as his career has been, his opportunities have been far beneath his resources,



and thus, judging him rather by what he could do, than what he has done, we are disposed to award to him an amount of encomium which few records of his genius will remain to justify.<sup>1</sup>

<sup>1</sup> Since the above was written Mr. Plunket has become once more attorney-general for Ireland.—(Orig. note.)

The re-appointment of Mr. Plunket to the office of attorney-general came as an unexpected and heavy blow upon his immediate predecessor, Mr. Saurin, to whom the loss was not merely of that particular office, but of the higher position to which it had incidentally raised him, that of being virtually almost the sole executive in Ireland. A not unpleasant use of that fact was made by Lord Wellesley, at his farewell interview, in 1827, with the late Lord Melbourne (then Mr. Wm. Lamb), who was to remain in Ireland as chief secretary. Lord Wellesley said, "I think it right, before leaving Ireland, to prepare you for hearing it asserted by Mr. Saurin's friends, that he was an ill-treated man, and ill-treated by me. Now the facts were these: when I came here to assume the viceroyalty, I had not been four-and-twenty hours in Dublin, before I sought, and obtained, an interview with Mr. Saurin. At that interview I offered him the office of lord chief justice of the Court of King's Bench: that was not ill-treating him. I farther offered him a peerage: that was not ill-treating him. In truth, I had nothing else to offer Mr. Saurin, except the lord-lieutenancy of Ireland. To that, however, there were two objections; first, *he had already held the office for fifteen years*, and next, I—I was the viceroy."

In 1827, when Mr. Canning became prime minister, Mr. Plunket was made chief justice of the Court of Common Pleas, and created a British peer, under the title of Baron Plunket.

In 1831, under Lord Grey's administration, he became Lord Chancellor of Ireland, and held that office till the summary expulsion of the whigs from power in 1834. Upon their return to office in the following year, he resumed his place as Irish Chancellor, and continued to hold it till the summer of 1841, when he was reluctantly induced to resign it. He died in the year 1854, in the 90th year of his age.

## MR. O'CONNELL.

[JULY, 1823.]

IF any one of you, my English readers, being a stranger in Dublin, should chance, as you return upon a winter's morning from one of the "small and early" parties of that raking metropolis, that is to say, between the hours of five and six o'clock, to pass along the south side of Merrion Square, you will not fail to observe, that among those splendid mansions, there is one evidently tenanted by a person whose habits differ materially from those of his fashionable neighbours. The half-opened parlour-shutter, and the light within, announce that some one dwells there, whose time is too precious to permit him to regulate his rising with the sun's. Should your curiosity tempt you to ascend the steps, and,

under cover of the dark, to reconnoitre the interior, you will see a tall able-bodied man standing at a desk, and immersed in solitary occupation. Upon the wall in front of him there hangs a crucifix. From this, and from the calm attitude of the person within, and from a certain monastic rotundity about his neck and shoulders, your first impression will be, that he must be some pious dignitary of the Church of Rome absorbed in his matin devotions.

But this conjecture will be rejected almost as soon as formed. No sooner can the eye take in the other furniture of the apartment, the book-cases clogged with tomes in plain calf-skin binding, the blue-covered octavos that lie about on the tables and the floor, the reams of manuscript in oblong folds, and begirt with crimson tape, than it becomes evident that the party, meditating amidst such objects, must be thinking far more of the law than the prophets. He is, unequivocally, a barrister, but apparently of that homely, chamber-keeping, plodding cast, who labour hard to make up by assiduity what they want in wit—who are up and stirring before the bird of the morning has sounded the retreat to the wandering spectre—and are already brain deep in the dizzying vortex of mortgages and cross-remainders, and mergers and

remitters, while his clients, still lapped in sweet oblivion of the law's delay, are fondly dreaming that their cause is peremptorily set down for a final hearing.

Having come to this conclusion, you push on for home, blessing your stars on the way that you are not a lawyer, and sincerely compassionating the sedentary drudge, whom you have just detected in the performance of his cheerless toil. But should you happen in the course of the same day to stroll down to the Hall of the Four Courts, you will be not a little surprised to find the object of your pity miraculously transferred from the severe recluse of the morning, into one of the most bustling, important, and joyous personages in that busy scene. There you will be sure to see him, his countenance braced up and glistening with health and spirits—with a huge, plethoric bag, which his robust arms can scarcely sustain, clasped with paternal fondness to his breast—and environed by a living palisade of clients and attorneys, with outstretched necks, and mouths and ears agape, to catch up any chance-opinion that may be coaxed out of him in a colloquial way, or listening to what the client relishes still better, for in no event can they be slid into a bill

of costs, the counsellor's bursts of jovial and familiar humour, or, when he touches on a sadder strain, his prophetic assurances that the hour of Ireland's redemption is at hand.

You perceive at once that you have lighted upon a great popular advocate, and if you take the trouble to follow his movements for a couple of hours through the several Courts, you will not fail to discover the qualities that have made him so—his legal competency—his business-like habits—his sanguine temperament, which renders him not merely the advocate but the partisan of his client—his acuteness—his fluency of thought and language—his unconquerable good humour—and, above all, his versatility. By the hour of three, when the judges usually rise, you will have seen him go through a quantity of business, the preparation for, and performance of which, would be sufficient to wear down an ordinary constitution, and you naturally suppose that the remaining portion of the day must of necessity be devoted to recreation or repose: but here again you will be mistaken; for should you feel disposed, as you return from the courts, to drop in to any of the public meetings, that are almost daily held for some purpose, or to no purpose, in Dublin, to a certainty you will find “the

counsellor" there before you, the presiding spirit of the scene, riding in the whirlwind, and directing the storm of popular debate, with a strength of lungs, and redundancy of animation, as if he had that moment started fresh for the labours of the day. There he remains, until, by dint of strength or dexterity, he has carried every point; and from thence, if you would see him to the close of the day's "eventful history," you will, in all likelihood, have to follow him to a public dinner, from which, after having acted a conspicuous part in the turbulent festivity of the evening, and thrown off half a dozen speeches in praise of Ireland, he retires at a late hour to repair the wear and tear of the day by a short interval of repose, and is sure to be found, before dawn-break next morning, at his solitary post, recommencing the routine of his restless existence. Now, any one who has once seen, in the preceding situations, the able-bodied, able-minded, acting, talking, multifarious person I have been just describing, has no occasion to inquire his name—he may be assured that he is, and can be no other than "Kerry's pride and Munster's glory," the far-famed, indefatigable, and indomitable Daniel O'Connell.

Mr. O'Connell was born about eight and forty

years ago, in that part of the united kingdoms of Ireland and Kerry, called Kerry. He is said to be descended in a mathematically and morally straight line from the ancient kings of Ivera.<sup>1</sup> The discrowned family, however, have something better than the saddening boast of regal descent to prop their pride. His present ex-majesty of Ivera, Mr. Daniel O'Connell's uncle, has a territorial revenue of four or five thousand a year to support the dignity of his traditional throne; while the numerous princes of the blood, dispersed through the dominions of their fathers, in the characters of tenants in fee-simple, opulent lease-holders, or sturdy mortgagees, form a compact and powerful squirearchy, before whose influence the proud "descendants of the stranger" are often made to bow their necks, in the angry collisions of county politics. The subject of the present notice is understood to be the heir-apparent to his uncle's possessions. These he must soon enjoy, for his royal kinsman has passed his 90th year. In the mean time he rules in his own person an extensive tract among the Kerry hills; of little value, it is said, in point of revenue, but dear to the possessor, as the residence of the idol of his heart, and in

<sup>1</sup> One of the kingdoms of the county of Kerry.



truth almost the only tenant on three-fourths of the estate—

“The mountain-nymph, sweet Liberty.”

Mr. O'Connell was originally intended for the Church, or, more strictly speaking, for the Chapel. He was sent, according to the necessities of the time, to be educated at St. Omer—for in those days the wise government of Ireland would not allow the land of Protestant ascendancy to be contaminated by a public school of catholic theology. Dr. Duigenan was compelled to permit the detested doctrines to be freely preached; but to make the professors of them good subjects, he shrewdly insisted that they should still, as of old, be forced to cross the seas, and lay in a preliminary stock of Irish loyalty at a foreign university. But the dread of indigenous theology was not peculiar to that great man. I observe that some of our statesmen of the present year have discovered that all the disasters of Ireland have been caused by an invisible establishment of Jesuits, and must continue until the omnipotence of parliament shall expel the intruders—a felicitous insight into cause and effect, resembling that of the orthodox crew of a British packet, who having discovered, during a gale of wind, that a methodist preacher was

among the passengers, at once made up their minds that the fury of the tempest would never abate until the vessel should be exorcised by heaving the non-conformist overboard.

I have not heard what occasioned Mr. O'Connell to change his destination. He probably had the good sense to feel that he had too much flesh and blood for a cloister ; and the novelty of a legal career to a Catholic (for the Bar had just been opened to his persuasion) must have had its attractions. He accordingly left St. Omer, with its casuistry, and fasting, and vesper hymns, to less earthly temperaments ; and having swallowed the regular number of legs of mutton at the Middle Temple, was duly admitted to the Irish Bar in Easter Term 1798. The event has justified his choice. With all the impediments of his religion and his politics, his progress was rapid. He is now, and has been for many years, as high in his profession as it is possible for a catholic to ascend.

Mr. O'Connell, if not the ablest, is certainly the most singular man at the Irish bar. He is singular, not merely in the vigour of his faculties, but in their extreme variety and apparent inconsistency ; and the same may be said of his character. The elements of

both are so many and diverse, that it would seem as if half a dozen varieties of the human species, and these not always on the best terms with each other, had been capriciously huddled together into a single frame, to make up his strange and complex identity; and hence it is, that, though I once thought him a favourable subject for a sketch, I find the task of accurate delineation to be far less easy than I anticipated. I have the man before me, and willing enough, it would appear, that his features should be commemorated; but, like the poor artist<sup>1</sup> that had to deal with the frisky philosopher of Ferney, with all my efforts I cannot keep him steady to any single posture or expression.

“Quo teneam vultus mutantem Protea nodo.”

I see him distinctly at one moment a hard-headed working lawyer, the next a glowing politician, the next an awful theologian; his features now sunk into the deepest shade of patriotic anguish, now illuminated, no one can tell why, as for the celebration of a national triumph. A little while back I caught him in his character of a sturdy reformer, proclaiming the constitution, and denouncing the

<sup>1</sup> Pigalle, the French sculptor, who, as recorded in Grimm's Correspondence, found it so difficult to get a quiet sitting from Voltaire.

vices of courts and kings, and he promised me that he would keep to that; but before I had time to look about me, there he was, off to the levee! be-bagged and be-sworded like any oppressor of them all, playing off his loyal looks and anti-radical bows, as if he was to be one of Mr. Blake's<sup>1</sup> next baronets, or as if he had not sufficiently proved his attachment to the throne by presenting his majesty with a crown of Irish laurel on the beach of Dunleary. Such a compound can be described only by enumerating its several ingredients; and even here I am not sure that my performance, if rigidly criticized, may not turn out, like my subject, to be occasionally at variance with itself. I shall begin with (what in other eminent lawyers is subordinate) his individual and extra-professional peculiarities; for in O'Connell these are paramount, and act a leading part in every scene, whether legal or other, of his complicated avocations.

His frame is tall, expanded, and muscular—precisely

<sup>1</sup> Shortly after Lord Wellesley's arrival in Ireland, as lord-lieutenant, in 1821, a baronetcy was conferred upon the, then, Lord Mayor of Dublin, in the vain hope of conciliating the Corporation of that city. It was generally understood at the time, that the measure had been suggested by Mr. Blake (soon after chief-remembrancer of the Court of Exchequer) who had accompanied Lord Wellesley to Ireland.

such as befits a man of the people—for the physical classes ever look with double confidence and affection upon a leader, who represents in his own person the qualities upon which they rely. In his face he has been equally fortunate ; it is extremely comely. The features are at once soft and manly ; the florid glow of health, and a sanguine temperament, is diffused over the whole countenance, which is national in the outline, and beaming with national emotion. The expression is open and confiding, and inviting confidence ; there is not a trace of malignity or wile—if there were, the bright soft eyes, the most kindly and honest-looking that can be conceived, would repel the imputation.

These popular gifts of nature O'Connell has not neglected to set off by his external carriage and deportment—or, perhaps, I should rather say, that the same hand, which has moulded the exterior, has supersaturated the inner man with a fund of restless propensity, which it is quite beyond his power, as it is certainly beside his inclination, to control. A large portion of this is necessarily expended upon his legal avocations ; but the labours of the most laborious of professions cannot tame him into repose : after deducting the daily drains of the study and the

courts, there remains an ample residuum of animal spirits, and ardour for occupation, which go to form a distinct, and I might say, a predominant character—the political chieftain. The existence of this overweening vivacity is conspicuous in O'Connell's manners and movements, and being a popular, and more particularly a national quality, greatly recommends him to the Irish people—" *Mobilitate viget.*"—Body and soul are in a state of permanent insurrection. See him in the streets, and you perceive at once that he is a man who has sworn that his country's wrongs shall be avenged. A Dublin jury (if judiciously selected) would find his very gait and gestures to be high treason by construction, so explicitly do they enforce the national sentiment, of "Ireland her own, or the world in a blaze." As he marches along through the streets to court, he shoulders his umbrella as if it were a pike. He flings out one factious foot before the other, as if he had already burst his bonds, and was kicking the Protestant ascendancy before him; while ever and anon, a democratic, broad-shouldered roll of the upper man is manifestly an indignant effort to shuffle off "the oppression of seven hundred years."

This intensely national sensibility is the prevailing peculiarity in O'Connell's character; for it is not

only when abroad, and in the popular gaze that Irish affairs seem to press upon his heart: the same Erin-go-bragh feeling follows him into the most technical details of his forensic occupations. Give him the most dry and abstract position of law to support—the most remote that imagination can conceive from the violation of the Articles of Limerick, or the Rape of the Irish Parliament, and ten to one but he will contrive to interweave a patriotic episode upon those examples of British domination. The people are never absent from his thoughts. He tosses up a bill of exceptions to a judge's charge in the name of Ireland, and pockets a special retainer with the air of a man that dotes upon his country. There is, perhaps, some share of exaggeration in all this; but much less, I do believe, than is generally suspected, and I apprehend that he would scarcely pass for a patriot without it; for, in fact, he has been so successful, and looks so contented, and his elastic, unbroken spirits are so disposed to bound and frisk for very joy—in a word, he has naturally so bad “a face for a grievance,”<sup>1</sup> that his political

<sup>1</sup> It was said of a member on the opposition side of the Irish House of Commons, that he seemed to have “the finest face for a grievance that was ever beheld.”—Hardy's “Life of Lord Charlemont, Vol. I. p. 278.

sincerity might appear equivocal, were there not some clouds of patriotic grief or indignation, to temper the sunshine that is for ever bursting through them.

As a professional man, O'Connell is, perhaps, for general business, the most competent advocate at the Irish Bar. Every requisite for a barrister of all-work is combined in him; some in perfection—all in sufficiency. He is not understood to be a deep, scientific lawyer. He is, what is far better for himself and his clients, an admirably practical one. He is a thorough adept in all the complicated and fantastic forms, with which Justice, like a Chinese monarch, insists that her votaries shall approach her. A suitor advancing towards her throne, cannot go through the evolutions of the indispensable *Ko-tou* under a more skilful master of the ceremonies. In this department of his profession, the knowledge of the practice of the courts, and in a perfect familiarity with the general principles of law that are applicable to questions discussed in open court, O'Connell is on a level with the most experienced of his competitors; and with few exceptions, perhaps with the single one of Mr. Plunket, he surpasses them all in the vehement and pertinacious talent with which he con-



tends to the last for victory, or, where victory is impossible, for an honourable retreat.

If his mind had been duly disciplined, he would have been a first-rate reasoner, and a most formidable sophist. He has all the requisites from nature—singular clearness, promptitude, and acuteness. When occasion requires, he evinces a metaphysical subtlety of perception which nothing can elude. The most slippery distinction that glides across him, he can grasp and hold, *pressis manibus*, until he pleases to set it free. But his argumentative powers lose much of their effect from want of arrangement. His thoughts have too much of the impatience of conscious strength to submit to an orderly disposition. Instead of moving to the conflict in compact array, they rush forward like a tumultuary insurgent mass, jostling and overturning one another in the confusion of the charge; and though finally beating down all opposition by sheer strength and numbers, still reminding us of the far greater things they might have achieved had they been better drilled.

But O'Connell has by temperament a disdain of everything that is methodical and sedate. You can see this running through his whole deportment

in court. I never knew a learned personage who resorted so little to the ordinary tricks of his vocation. As he sits waiting till his turn comes to "blaze away," he appears totally exempt from the usual throes and heavings of animogestation. There is no hermetically-sealing of the lips, as if nothing less could restrain the fermentation within; there are no trances of abstraction, as if the thoughts had left their home on a distant voyage of discovery; no haughty swellings of the mind into alto-relievos on the learned brow;—there is nothing of this about O'Connell. On the contrary, his countenance and manners impress you with the notion, that he looks forward to the coming effort as to a pastime in which he takes delight. Instead of assuming the "Sir Oracle," he is all gaiety and good-humour, and seldom fails to disturb the gravity of the proceedings by a series of disorderly jokes, for which he is duly rebuked by his antagonists, with a solemnity of indignation that provokes a repetition of the offence; but his insubordinate levity is, for the most part, so redeemed by his imperturbable good temper, that even the judges, when compelled to interfere and pronounce him out order, are generally shaking their sides as heartily as the most enraptured of his admirers in the galleries.

In the midst, however, of this seeming carelessness, his mind is in reality attending with the keenest vigilance to the subject matter of discussion; and the contrast is often quite amusing. While his eyes are wantoning round the court, in search of an object to be knocked down by a blow of his boisterous playfulness, or, in a more serious mood, while he is sketching on the margin of his brief the outline of an impossible republic, or running through a rough calculation of the number of Irishmen capable of bearing pikes, according to the latest returns of the population, if the minutest irregularity or misstatement is attempted on the other side, up he is sure to start with all imaginable alertness, and, reassuming the advocate, puts forward his objection with a degree of vigour and perspicuity, which manifests that his attention had not wandered for an instant from the business before him.

Mr. O'Connell is in particular request in jury cases. There he is in his element. Next to the "harp of his country," an Irish jury is the instrument on which he delights to play; and no one better understands its quality and compass. I have already glanced at his versatility. It is here that it is displayed. His powers as a *nisi-prius* advocate consist not so much in the perfection of any of the

qualities necessary to the art of persuasion, as in the number of them that he has at command, and the skill with which he selects and adapts them to the exigency of each particular case. He has a thorough knowledge of human nature, as it prevails in the class of men whom he has to mould to his purposes. I know of no one that exhibits a more quick and accurate perception of the essential peculiarities of the Irish character. It is not merely with reference to their passions that he understands them, though here he is pre-eminently adroit. He can cajole a dozen of miserable corporation-hacks into the persuasion that the honour of their country is concentrated in their persons. His mere acting on such occasions is admirable: no matter how base and stupid, and how poisoned by political antipathy to himself he may believe them to be, he affects the most complimentary ignorance of their real characters. He hides his scorn and contempt under a look of unbounded reliance. He addresses them with all the deference due to upright and high-minded jurors. He talks to them of "the eyes of all Europe," and the present gratitude of Ireland, and the residuary blessings of posterity, with the most perfidious command of

countenance. In short, by dint of unmerited commendations, he belabours them into the belief that, after all, they have some reputation to sustain, and sets them chuckling with anticipated exultation, at the honours with which a verdict according to the evidence is to consecrate their names.

But, in addition to the art of heating the passions of his hearers to the malleable point, O'Connell manifests powers of observation of another, and, for general purposes, a more valuable kind. He knows that strange modification of humanity, the Irish mind, not only in its moral, but in its metaphysical peculiarities. Throw him upon any particular class of men, and you would imagine that he must have lived among them all his life, so intuitively does he accommodate his style of argument to their particular modes of thinking and reasoning. He knows the exact quantity of strict logic they will bear, or can comprehend. Hence, (where it serves his purpose) instead of attempting to drag them along with him, whether they will or no, by a chain of unbroken demonstration, he has the address to make them imagine that their movements are directed solely by themselves. He pays their capacities the compliment of not making things too clear. Familiar

with the habitual tendencies of their minds, he contents himself with throwing off rather materials for reasoning than elaborate reasonings—mere fragments, or seeds of thought, which, from his knowledge of the soil in which they drop, he confidently predicts will shoot up and expand into precisely the conclusions that he wants.

This method has the disadvantage, as far as personally regards the speaker, of giving the character of more than his usual looseness and irregularity to O'Connell's jury-speeches; but his client, for whom alone he labours, is a gainer by it—directly in the way I have been stating, and indirectly for this reason, that it keeps the jury in the dark as to the points of the case in which he feels he is weak. By abstaining from a show of rigorous demonstration, where all the argument is evidently upon his side, he excites no suspicion by keeping at an equal distance from topics which he could not venture to approach. This, of course, is not to be taken as O'Connell's invariable manner, for he has no invariable manner, but as a specimen of that dexterous accommodation of particular means to a particular end, from which his general powers as a *nisi-prius* advocate may be inferred. And so, too, of the tone in which he labours

to extort a verdict; for though, when compelled by circumstances, he can be soft and soothing, as I have above described him, yet on other occasions, where it can be done with safety, he does not hesitate to apprise a jury, whose purity he suspects, of his real opinion of their merits, and indeed, not unfrequently, in the roundest terms, defies them to balance for an instant between their malignant prejudices, and the clear and resistless justice of the case.

There is one, the most difficult, it is said, and certainly the most anxious and responsible part of an advocate's duties, in which O'Connell is without a rival at the Irish Bar—I allude to his skill in conducting defences in the crown court. His ability in this branch of his profession illustrates one of those inconsistencies in his character to which I have already adverted. Though habitually so bold and sanguine, he is here a model of forethought and undeviating caution. In his most rapid cross-examinations, he never puts a dangerous question. He presses a witness upon collateral facts, and beats him down by argument and jokes and vociferation; but wisely presuming his client to be guilty, until he has the good luck to escape conviction, he never affords the witness an opportunity

of repeating his original narrative, and perhaps, by supplying an omitted item, of sealing the doom of the accused.

O'Connell's ordinary style is vigorous and copious, but incorrect. The want of compactness in his periods, however, I attribute chiefly to inattention. He has phrase in abundance at command, and his ear is sensible of melody. Every now and then he throws off sentences not only free from all defect, but extremely felicitous specimens of diction. As to his general powers of eloquence, he rarely fails, in a case admitting of emotion, to make a deep impression upon a jury; and in a popular assembly he is supreme. Still there is much more of eloquence in his manner and topics than in his conceptions. He unquestionably proves, by occasional bursts, that the elements of oratory, and perhaps of the highest order, are about him; but he has had too many pressing demands of another kind to distract him from the cultivation of this the rarest of all attainments, and accordingly I am not aware that any of his efforts, however able and successful, have deserved, as examples of public speaking, to survive the occasion. His manner, though far from graceful, is earnest and impressive. It has a steady and natu-



ral warmth, without any of that snappish animation in which gentlemen of the long robe are prone to indulge. His voice is powerful, and the intonations full and graduated. I understand that when first he appeared at the Bar, his accent at once betrayed his foreign education. To this day there is a remaining dash of Foigardism in his pronunciation of particular words; but, on the whole, he has brought himself, as far as delivery is concerned, to talk pretty much like a British subject.

It was my original intention to have dwelt in some detail upon O'Connell, as a popular leader, but I have, no longer, space, and I could scarcely effect my purpose without plunging into that "sea of troubles," the present politics of Ireland: yet a word or two upon the subject before I have done. Indeed, in common fairness, I feel bound to correct any depreciating inferences that may be drawn from the tone of levity in which I may have glanced at some traits of his public deportment, and which I should have hesitated to indulge in, if I had not given him credit for the full measure of good-humour and good sense, that can discriminate at once (should these pages meet his eye) between an inoffensive sally, and a hostile sneer.

O'Connell has been now for three and twenty years a busy actor upon an agitated scene. During that period, no public character has been more zealously extolled, or more cordially reviled. Has the praise or blame been excessive, or has either been undeserved? Has he been a patriot or an incendiary? for such are the extreme points of view in which the question of his merits has been discussed by persons too impassioned, and too interested in the result, to pronounce a sound opinion upon it. To one, however, who has never been provoked to admire or hate him to excess, the solution may not be difficult. After reviewing the whole of O'Connell's career as a politician, an impartial observer will be disposed to say of him, that he was a man of a strong understanding, and of stronger feelings, occupied incessantly, and almost always without due preparation, upon questions where it would have perplexed the wisest to discern the exact medium between disgraceful submission, and factious importunity—that by necessity a partisan, he has been steady to his cause, and consistent in his ultimate object, though many times inconsistent in the adoption of the means to obtain it; and that now in the long run, after all

the charges of violence and indiscretion that have been heaped upon him, it is questioned by some of the clearest understandings in England, whether, in the present state of political morals, a more courtly policy than O'Connell's either is, or was ever, calculated to advance the interests of his body.

But leaving his political incentives aside, and referring solely to the personal provocations to which he is daily exposed, I should say, that it would be utterly unnatural in such a man to be other than violent. To O'Connell, as a barrister, his disqualification is a grievous injustice. It is not in theory alone that it operates. It visits him in the practical details of his professional life, and in forms the most likely to gall a man of conscious powers and an ambitious temperament. He has the mortification of being incessantly reminded, that for years past his fortunes have been absolutely at a dead stop, while he was constantly condemned to see men, who started with him and after him, none of them his superiors, many of them far beneath him, partially thrust before him, and lifted into stations of honour and emolument to which he is forbidden to aspire. The stoutest adversary of papal

encroachments must admit, that there is something irritating in this; for my part, instead of judging harshly of the spirit in which he retaliates, I rather honour the man for the energy with which he wrestles to the last with the system that would keep him down; and if now and then his resistance assumes such a form as to be in itself an evil, I am not sorry, for the sake of freedom and humanity, to see it proved that intolerant laws cannot be enforced without inconvenience.

But in general (to speak the truth) O'Connell's vengeance is not of a very deadly description. He is, after all, a man of a kindly and forgiving nature; and where the general interests of his country are not concerned, is disposed to resent his personal wrongs with great command of temper. His forbearance in this respect is really creditable to him, and the more so as it meets with no return. The admirers of King William have no mercy for a man who, in his seditious moods, is so provoking as to tell the world, that their idol was "a Dutch adventurer." Then his intolerable success in a profession where many a stanch Protestant is condemned to starve, and his fashionable house in Merrion-square, and a greater eye-sore still, his dashing, revolutionary

equipage, green carriage, green liveries, and turbulent popish steeds, prancing over a Protestant pavement to the terror of Protestant passengers—a nuisance that in the good old times would have been put down by Act of Parliament—these and other provocations of equal publicity, have exposed this learned culprit to the deep and irrevocable detestation of a numerous class of His Majesty's hating subjects in Ireland. And the feeling is duly communicated to the public. The loyal press of Dublin teems with the most astounding imputations upon his character and motives. As a dish for the periodical libellers of the day, O'Connell is quite a cut-and-come-again, from the crazy churchman, foaming over the apprehended fall of tithes, down to the political striplings of the college, who, instead of trying their youthful genius upon the cardinal virtues, or "the lawfulness of killing Cæsar," devote their hours of classic leisure to the more laudable task of demonstrating, for the comfort of the Orange lodges, that "Counsellor O'Connell carries on a treasonable correspondence with Captain Rock." But the Counsellor, who happens to know a little more of the law of high treason than his accusers, has the good sense to

laugh at them, and their threats of the hangman. Now that all practical attempts upon life have been abandoned,<sup>1</sup> he bears the rest with true Christian patience and contempt; and whenever any of his defamers recant "*in extremis*," and die good catholics, as the most bigoted among them are said to do, if the fact be duly certified by his friend Mr. Denis Scully<sup>2</sup>, who has quite an instinct for collect-

<sup>1</sup> I allude to what was really a shocking occurrence.—A corporation has been defined to be "a thing having neither a body to be kicked nor a soul to be damned." With this definition before him, Mr. O'Connell did not imagine that he exceeded the limits of public debate in calling the Dublin corporation a "beggarly corporation." One of its most needy members, however, either volunteered, or was incited to think otherwise, and called upon the speaker to apologize or fight. To Mr. O'Connell, a life of vital importance to a numerous family, and of great importance to the best part of the Irish public, the alternative was dreadful. He saw the ferocity of the transaction in its full light, but he committed his conduct to the decision of his friends, and a duel ensued. The aggressor was killed. Had the result been different, his claims would probably not have been overlooked by the patrons of the time (1815); at least, such is understood to have been the expectation under which he provoked his fate.

<sup>2</sup> The catholic barrister, a gentleman quite able and important enough to be treated of apart. For the present, I shall merely record of him that one of his favourite theories is, that no rank Orangeman ever "dies game." He can tell you the exact moment when Doctor Duigenan began to roar out for a priest. He has a large stock of mortuary anecdotes

ing materials touching this portion of secret history, O'Connell, I am assured, not only forgives them all their libels, but contributes liberally towards setting on foot a few expiatory masses for their souls.<sup>1</sup>

• illustrating his general doctrine, and he relates them with true Sardonic vivacity.

<sup>1</sup> Mr. O'Connell died in 1847.

SERJEANT GOOLD.<sup>1</sup>

[FEBRUARY, 1824.]

THE French Revolution had scarcely burst upon the world, and its portentous incidents were still the daily subject of universal astonishment or dismay, when there arose in the metropolis of Ireland a young gentleman, who, feeling jealous of the unrivalled importance the continental phenomenon was enjoying, resolved to start in his own person as an opposition-wonder. He had some of the qualifications, and all the ambitious self-dependence, befitting so arduous a project. Nature and fortune had been extremely kind to him. He was of a respectable and wealthy family. His face was handsome, his person small, but symmetrical and

<sup>1</sup> Thomas Goold, Esq.



elastic, and peculiarly adapted to the performance of certain bodily feats, which he subsequently achieved.

As to his general endowments, he was, upon his own showing, a fac-simile of the admirable Crichton. He announced himself as an adept in every known department of human learning, from the prophetic revelations of judicial astrology, and the more obsolete mysteries of magic lore, up to the lightest productions of the amatory muse of France. He professed to speak every living language (except the Irish) as fluently and correctly as if he had been a native born. He played, sung, danced, fenced, and rode, with more skill and spirit than the masters of those respective arts, who had presumed to teach him. He had a deep sense of the value of so many combined perfections, and acted under the persuasion that he was called upon to amaze the world.

His friends, who had perceived that, beneath his incomprehensible aspirations, there lurked the elements of a clever man, recommended the bar as a profession, in which with industry, and his 10,000*l.*, for he inherited about as much, and a rising religion, for he was a Protestant, he might fairly hope to gratify

their ambition, if not his own. He assented; and submitted to pass through the preliminary forms—rather, however, under the idea, that, at some future period, it might suit his views to accept the Chancellorship of Ireland, than with any immediate intention of squandering his youthful energies upon so inglorious a vocation. He felt that he was destined for higher things, and proceeded to assert his claims. He never appeared abroad but in a costly suit of the most persuasive cut, and glowing with bright and various tints. He set up an imposing phaëton, in which with Kitty Cut-a-dash, of fascinating memory, and then the reigning illegitimate belle of Dublin, by his side, he scoured through streets and squares with the brilliancy and rapidity of a meteoric coruscation. He entertained his friends, the choicest spirits about town, with dinners, such as bachelor never gave before—dishes so satisfying and scientific, as to fill not only the stomach, but the mind—claret, such as few even of the Irish bishops could procure, and champagne of vivacity exemplified only by his own. He furnished his stable with a stud of racers; and if I am rightly informed, he still, half-laughing, half-wondering at his former self, recalls the times, when mounted

upon a favourite thorough-bred, and flaming in a pink satin jockey-dress, he distanced every competitor, and bore away the Curragh cup. I have spoken of his dancing. Tradition asserts that it was not confined to ball-rooms. I am told that, at the private theatre in Fishamble-street, a place in those days of much fashionable resort, he was known to slide in between the acts, in the costume of a Savoy peasant, and throw off a *pas seul* in a style of original dexterity and grace, which to use an Irish descriptive phrase, "elicited explosions of applause from the men, and ecstatic ebullitions of admiration from the ladies."

He was equally remarkable for his excellence in the other manly exercises. He thought nothing of vaulting over four horses standing abreast. He was paramount at foot-ball; and astonished, and won wagers from the Bishop of Derry himself (the noted Lord Bristol), who was supposed to be the keenest judge in Ireland of what the toe of man could achieve. Before assuming the forensic robe, our aspirant for renown set out upon a continental tour; and according to his subsequent report, although he travelled in strict incognito, gathered fresh glory at every post-town through which he was whirled

along. After a considerable stay at Paris, where, however, he arrived too late to stop the revolutionary torrent, he passed on and visited several of the German courts—gave “travelling opinions” upon the course of policy to be respectively pursued by them at that critical juncture, and afterwards satisfied himself, that the most important events that followed, were mainly influenced by his timely interposition.

He left Germany with some precipitation. The rumour ran that there were state-reasons for his departure. The subject was too delicate to be revealed in all its circumstances, but upon his return to Ireland, his friends heard in broken sentences of a certain Palatine princess—the dogged jealousy of royal husbands—the incorrigible babbling of maids of honour—muttered threats of incarceration—and a confidential remonstrance on the part of a very sensible man, a member of the Aulic council, respecting the confusion that might hereafter ensue, should it come to be suspected, that the lazy stream of reputed legitimacy had been quickened by a tributary rill of Munster blood.

Upon his reappearance in Ireland, our prodigy, exulting in the fame of his continental exploits, was

about to commence a new course of wonders in his native land, when an unforeseen occurrence in the form of a dishonoured cheque upon his banker came to

— repress his noble rage  
And freeze the genial current of his soul.

He discovered that he was a ruined man. The patrimonial ten thousand pounds, which had given an *éclat* to all he did, had vanished. The road to glory still lay before him, and he was as eager as ever to dash along it, but he was without a guinea in his pocket to pay the travelling expenses.

In this emergency there were three courses open to him—to cut his throat—to sell his soul to the Protestant ascendancy—or to be honest and industrious, and ply at his profession. He chose the last—and (the most wondrous thing in his wonderful career) it came to pass, that, notwithstanding the many apparent disqualifications under which he started, he rose, and not slowly, to an eminence, which no one but himself would have ventured to predict. He is now "*quantum mutatus ab illo*," a very able and distinguished person at the Irish Bar, Mr. Serjeant Goold. And if I have ushered in my notice of this gentleman with an allusion

to the freaks of his youth, of which, after all, I may have received an exaggerated account, it is because I consider it to be infinitely to his praise, that he should have so manfully surmounted his early pretensions and disappointments, as the progress of his professional history has evinced. The study of "four-day rules," and "notices to quit," demands no extraordinary reach of intellect; but the transition from the airy speculations of a sanguine and ambitious disposition to these unimaginative details, is one of the most abrupt and mortifying that ever tried the elasticity and patience of the mental powers. Mr. Goold, notwithstanding the friskiness and levity of his external deportment, had the inward energy to face and surmount the repelling task. He plunged with a hardy and exploring spirit into the wilderness of law—burst through its perplexities, drank freely from its bitter springs, and made no wry faces; and by a perseverance in patient and solitary labour, entitled himself to more substantial returns, than that applause, which he had once prized above every earthly compensation.

Some time after Mr. Goold had formed this meritorious resolution, an incident befell him, of which it

is difficult to say, whether it ~~was~~ most calculated to increase or to allay his new-born ardour for laborious occupation. When Burke's celebrated *Reflections* on the French Revolution appeared, the author and the book, as all my readers know, were vigorously assailed. Mr. Goold, considering the subject not unworthy of his powers, had thrown himself into the controversy. He was at the time in a frame of mind befitting a sturdy partisan. He had recently returned from Paris, where, during a residence of some time, he had been an eye-witness of the disgusting clamour and excesses of the period. He was also still smarting from the recollection of certain rude *accolades*, that had been forcibly imposed upon himself by sundry haggard Naiads of the Halle—a perversion of the authentic rights of men and of women, against which, when he came to record the fact, he did not fail to protest with genuine antigallic indignation.

His pamphlet was entitled, characteristically enough, a Defence of Mr. Burke's work "against all his opponents." The number that had already declared themselves in print amounted to ten—two anonymous ladies, and eight gentlemen—among whom were Doctors Towers, Price, and Priestley.

The defender of Burke took each of them in detail. The gentlewomen he despatched with a good deal of gallant forbearance; but for the doctors, and their male auxiliaries, he had no mercy. He belaboured them with unsparing logic, and more relentless rhetoric, until every sign of sense and argument was beaten out of them, and proclaimed his victory by a final flourish of trumpets to the renown of Burke. "I never," says he, "saw Mr. Burke but once. I saw him from the gallery of the House of Commons. I know no man that knows him. I probably shall know no man that knows him. In a few weeks I leave this country, perhaps never to return. I expect but little from any man. I shall never ask anything. In whatever country I may live, in whatever situation I may be placed, I shall look down on grandeur, I shall look up to greatness. Nor wealth, nor rank, nor power, nor influence shall bend my stubborn neck. I am prostrate before talents; I am prostrate before worth; my admiration of Mr. Burke amounts almost to enthusiasm," &c.

This was pretty strong incense, and there was more of the same kind; but I am quite certain that it was offered without the remotest expectation of any return either in praise or profit; and as to the



writer's professions of independence, though very hazardous in so young an Irishman, they have been amply justified by his subsequent life. The pamphlet, however, taken altogether, attracted the notice, and excited the gratitude of Burke. The fact is rather curious, as illustrating the predicament of feeling in which that eminent person's new theories and new connections had involved him. He had just quarrelled with his old political associates for adhering to the spirit of the principles he himself had taught them. Still professing the tenets of "an exalted freedom," he was pouring forth curses and derision upon one of the most provoked and necessary acts of freedom which the world had ever witnessed; and such is the sophistry with which a favourite passion can practise upon the strongest intellect, he would fain persuade himself that he was consistent to the last, and that doctrines which were hailed with joy in every despotic coterie of Europe, were the only genuine and unadulterated maxims of a British whig. But though bold even to overbearing in his public assertions of his personal consistency, it is not unreasonable to surmise, that, in his private hours, his heart was ill at ease. He must have felt that his fame, if not his conscience,

was in want of external support. Certain however it is, that he grasped at the voluntary homage with something like the sign of a sinking spirit. The tributes of ardent admiration and respect, so profusely scattered through his young countryman's pamphlet, touched the veteran's feelings, and lived in his memory upon the first occasion that offered of marking his sense of the obligation.

The opportunity seemed to present itself upon the appointment of Lord Fitzwilliam, in 1795, to the government of Ireland. One evening, Mr. Goold was sitting alone in his lodging, and indulging (if it can be called an indulgence) in those depressing reflections upon his future prospects, with which the stoutest-hearted junior barrister is occasionally visited, when an English letter was put into his hand. It was from Edmund Burke. It imported "that he had not forgotten Mr. Goold's admirable pamphlet, and that he was most desirous to advance, as far as it in his power lay, the author's fortunes. An occasion appeared to offer. The new viceroy of Ireland was coming, preparatory to his departure for that country, to pass some days at Beaconsfield; and if the demolisher of the ten opponents could contrive, without loss of time, to cross the Channel,

and meet his lordship at Mr. Burke's, the happiest results might be anticipated."

None but those who know the briskness of Mr. Goold's temperature, even at the present day, can well conceive the delicious perturbation of spirit that must have ensued. The lustre of the invitation itself—the expected glory of being present at conferences, where the approaching redress of Irish wrongs was to be freely canvassed—the elevating prospect of being himself officially selected to contribute the aid of his attainments to the labours of a patriotic administration—these, and many other bright concomitants, had just arranged themselves into a picture almost too dazzling for mortal eye, when one miserable reality intervened like an angry cloud, and the gorgeous imagery faded away into melancholy dimness. He was under a financial incapacity of complying with the generous proposal of Mr. Burke.

He was pondering over this mortifying obstacle, when one of his friends, the late Sir Charles Ormsby, entered the room. "Was there ever such an unlucky fellow?" said he, handing the letter to Sir Charles. "See there what an opportunity of making my fortune presents itself, and yet, for want of

about a hundred pounds to go over, and make a proper appearance at Beaconsfield, I must let it slip." Sir Charles was not in those days as rich as he subsequently became, but his father was a wealthy and good-natured man. "Go to my father," said he, "show him the letter, state your situation, and I undertake to say that he'll accommodate you." The experiment succeeded. Mr. Goold flew to Beaconsfield; was too late to catch the viceroy, who had already set out for Ireland; passed some days with Burke; hurried back to Dublin, the bearer of a powerful introduction to the favour of Lord Fitzwilliam; was graciously received, and would in all likelihood have been included in the political arrangements then in progress; but the Beresfords were at work on the other side of the water—their fatal counsels prevailed—the patriotic viceroy was recalled—the doom of Ireland was sealed, and the subject of the present sketch reconsigned to the hard destiny of a legal drudge. Fortunately, however, and honourably for himself, his spirit was too buoyant to sink beneath the disappointment. He betook himself with unabated ardour to his former pursuits. His professional acquirements and efficiency became known; clients poured in upon him; in a few years he was

invested with a silk gown ; and had not his political integrity interfered, he would, if current report be true, have before this been seated on the bench.

Serjeant Goold's practice has been, and still is, principally in the *nisi prius* courts. I have not much to say of his distinctive qualities as a lawyer. He is evidently quite at home in all the points that come into daily question, and he puts them forward boldly and promptly. Here indeed, as elsewhere, he affects a little too much of omniscience ; but unquestionable it is, that he knows a great deal. There is not, I apprehend, a single member of his profession less liable to be taken by surprise upon any unexpected point of evidence, or practice, or pleading, the three great departments of our law, to which his attention has been chiefly directed. But there is no want of originality in his appearance and manner. His person is below the middle size, and, notwithstanding the wear and tear of sixty years, continues compact, elastic, and airy. His face, though he sometimes gives a desponding hint that it is not what it was, still attests the credibility of his German adventures. The features are small and regular, and keen without being angular. His manner is all his own. His quick blue eye is in

perpetual motion. It does not look upon an object ; it pounces upon it. So of the other external signs of character.

His body, like his mind, moves at double-quick time. He darts into court to argue a question of costs with the precipitation of a man rushing to save a beloved child from the flames. This is not trick in him, for, among the collateral arts of attracting notice at the Irish Bar is that of scouring with breathless speed from court to court, upsetting attorneys' clerks, making panting apologies, with similar manifestations of the counsel's inability to keep pace with the importunate calls of his multitudinous clients. Serjeant Goold stands too high, and is, I am certain, too proud to think of resorting to these locomotive devices. His impetuosity is pure temperament. In the dispatch of business, more especially in the chorus-scenes, where half-a-dozen learned throats are at once clamouring for precedence, he acquits himself with a physical energy that puts him almost upon a par in this respect with that great "lord of misrule" O'Connell himself. He is to the full as restless, confident, and vociferative, but he is not equally indomitable ; and I have some doubts whether, with all his bustle and

vehemence, he ever ascends to the true sublime of tumult, which inspires his learned and unemancipated friend. The latter, who is in himself an ambulatory riot, dashes into a legal affray with the spirit of a bludgeoned hero of a fair, determined to knock down every friend or foe he meets "for the honour of old Ireland." He has the secret glory, too, of displaying his athletic capabilities before an audience, by many of whom he knows that he is feared and hated.

Serjeant Goold, who has not the same personal incentive, is more measured and courtly in his uproar, and will often, long before his lungs are spent, as if his dignity had taken a sudden fright, declare off abruptly, and invoke the talismanic intercession of the Bench. Let not the unlearned reader imagine that I am affecting a tone of idle levity. These forensic rants are of daily recurrence; and to have nerves to withstand them is a matter of no little moment to barristers and clients. It is within the sanctuaries of justice that much of the rough work of human concerns is transacted; and the subjects, to be handled well, must be roughly handled. The knave must be vehemently arraigned; the injured clamorously vindicated; the factious and

dishonest witness tortured and stunned, until his soul surrenders the hidden truth. The man who can do this is of value in his calling; but should his taste recoil from the rude collision, he may still attain to legal distinction by other and less rugged paths—but as he values his interest and fame, let him resign all hope of making a figure in a *nisi prius* court.

Serjeant Goold passes in the Irish courts for an eloquent advocate. In one sense of the word he is so; for, though far from being a pleasing speaker, and having manifold defects of delivery and action, he still contrives to make a very strong impression upon a jury, where feeling is to be excited, or the understanding forcibly impelled in a particular direction. His faults of manner are angularity, abruptness, and violence. His articulation is rapid and unmusical. His diction has no equability of flow,—it bursts out in irregular spirts. But he has a clear head, much experience of human character and passion, and infinite reliance upon himself. His tones, however faulty, are fervid and sincere. His sentiments, though often extravagantly delivered, are bold and natural, and reach the heart. I would describe his ordinary style of addressing a



jury by saying, not that it deeply moves them, for that would imply a more regular and finished order of speaking, but that it "stirs them up." In a word, he bustles through an appeal to the intellect or passions with great ability. He commits many faults of taste, but no essential breach of skill. The jury are often startled by his detonations, and often join in the general smile that follows those little personal episodes, into which the learned Serjeant occasionally diverges; but after all, they see that they have before them a man who knows well what he is about. They listen to him with attention and respect; never suspect that he has the slightest design to puzzle them; and when they retire to cool their fancies in the jury-room, feel extremely disposed to agree that the views he had thrown up to them were founded in the justice and good sense of the case.

Mr. Goold sat in the last Session of the Irish Parliament. The occasion of his presence there is much to his honour. I have not heard by what particular influence he was returned. It is sufficient to state, that he had already earned a character for talent and public integrity, which pointed him out as a fit person to co-operate in defending the last pass of the

Irish constitution against the meditated surrender by its perfidious guardians.

The secret history of the Union has not yet transpired in all its ignominious details. A work professing to perform such an act of historical vengeance, and emanating from an eye-witness, was undertaken about eighteen years ago. A kind of prefatory volume, taking up the subject at an ominous distance, was published as a specimen. The continuation, or, more strictly speaking, the commencement, was anxiously expected. I have no authority for asserting that there was any tampering with the writer's indignation; but it may be mentioned as a curious coincidence, that the suspension of his design was coeval with his appointment to be judge of the Court of Admiralty in Dublin, over which, if there be any truth in the old maxim, "*Major è longinquo reverentia*," he must be allowed to have presided in a style of the most imposing dignity.

He has for many years been a resident of France. Had he persevered in his design, he would have had some strange things to tell of the honourable gentlemen who sold their country. There was much, however, that could not be concealed. The mea-

sure, smoothed and varnished as it might be to meet the public eye, retained all the coarse and disgusting outlines of an Irish job. It was proposed in 1799, and rejected. The following year, the proposition was renewed and carried. In the interval, wonders had been done in the way of an amicable arrangement. The predatory rights of an Irish representative were duly considered and admitted. A vote, and its concomitant privileges, were not now to be estimated at the old market-price of seven years' purchase, but, being to be bought up in perpetuity, a just and commensurate equivalent was allowed to meet the increased cost of a majority. All kinds of compensation, in possession and reversion, were forthcoming.<sup>1</sup> Peerages were given down. The

<sup>1</sup> Numerous anecdotes of the legislative higgling on this occasion are current in Ireland,—some of them sufficiently dramatic. One member, for example, tendered his terms. They were accepted, and a verbal promise given that the contract should be faithfully observed. He insisted upon a written guarantee. This was refused, and the treaty broken off. The member went down to the House, and vented a virtuous harangue against the proposed measure. As soon as he sat down, the written security was handed to him. He put it in his pocket, voted against his speech, and was in due season appointed to a lucrative office which he still enjoys, defying the historian, and laughing at the notion of posthumous fame.

Bench was mortgaged. The earnest of a pension was advanced to soothe the impatience of the reverend placeman. Boroughs were declared to be private property, and so excellent and certain a provision for the patron's younger children, that it would be a violation of all justice to exact their gratuitous surrender. Their pecuniary value was ascertained, and the public faith solemnly pledged to treat a customary breach of the constitution (a title to property of which Blackstone never dreamt) as one that by "the courtesy of Ireland" gave the prescriptive offender an equitable interest in its continuance.<sup>1</sup>

These are but a few specimens of the means

<sup>1</sup> By the Act of Union, eighty-four boroughs were disfranchised. Remuneration, to the amount of 15,000*l.* each was voted to the patrons. In the debate on the latter point, one of Lord Castlereagh's arguments was that the patrons could not have been brought to enter upon a "cool examination," of the general question, had not their fears for their personal interests been set at rest by a certainty of compensation. The injustice of annihilating provisions in family settlements resting upon the security of boroughs was also insisted on. I like better the stern logic of Mr. Saurin: "There can be no injustice in denying property to be acquired by acts which the law declares to be a crime. As well might the highwayman, upon a public road being stopped up, exclaim against the disturbance of his right to plunder the passengers."

For an instance of the bartering at the Union, as related by the late Lord Chief Justice Bushe, see ante p. 83.

resorted to in order to precipitate a measure, that was announced, in all the pomp of prophetic assertion, as the sure and only means of conferring prosperity and repose upon the Irish nation ; and were it not for certain counteracting circumstances, such as—the nightly incursions of Captain Rock ; the periodical eclipses of the constitution by the intervention of the Insurrection Act—a pretty general insecurity of life and property ; the decay of public spirit ; the growth of faction,—a weekly list of insolvencies, murders, conflagrations, and letters from Sir Harcourt Lees, unprecedented in the annals of a happy country ; but for these, and similar visitations, all originating in the comprehensive and inscrutable efforts of the prophets themselves to falsify their prediction, the Union, notwithstanding the demerits of its supporters, might long since have ceased to be a standing topic of popular execration. The disasters that, in point of fact, have followed, were pretty accurately foreseen by the men who opposed this much vaunted measure. They failed ; but they did their duty fearlessly and well, and not one of them, it is but just to say, in a spirit of more entire self-oblivion, and more earnest sensibility to his public duties, than the person whose name is

prefixed to the present article. His manly and upright conduct, as usual in Ireland, excited deep and lasting resentment. He was stigmatised as an honest Irishman, and, disdaining to atone by after-compliances for his original offence, had to encounter all those impediments to professional advancement, which systematically followed so obnoxious a disqualification.

Here I had intended to close my observations upon Serjeant Goold; but it occurs to me that there remains one topic, not indeed connected with his professional life, but of so much notoriety, and to this day so often canvassed, that a total silence upon it might be misconstrued—I allude to the evidence which he gave in the year 1818 at the Bar of the House of Commons upon the inquiry into the conduct of Mr. Wyndham Quin. An imputation was cast upon his character at the time; and though stifled as far as it could be, by the vote of an immense majority of the House, it has not wanted external support in that uncharitable spirit, which is ever ready to pronounce a summary verdict of conviction upon no other foundation than the fact of a charge having been made.

I have now before me the report of the debates,

and the minutes of the evidence in question. The latter are so voluminous, that it would be altogether unjust to the party concerned to propose repelling the accusation by any analysis and comments that could be condensed into my present limits. I can merely state the general conclusion to which I have come upon a minute examination and comparison of the several parts of the evidence ; and that is my full and unhesitating conviction, that Mr. Goold was as incapable as the most high-minded of his accusers, of intentionally withholding or misrepresenting a single fact, which he was called upon to disclose. He was, I admit, what is technically called "a bad witness"—barristers are proverbially so (instead of an answer they give a speech). Mr. Goold, from his habits and temperament, is peculiarly so. Upon every matter, great and small, he is hot and hasty ; and announces his views with the tone and temper of a partisan. It is a part of the constitution of his mind to have an undue confidence in the infallibility of his faculties, and the importance of his personal concerns. All this broke out, as it does everywhere else, at the Bar of the House of Commons: he could no more repress it than he could the movement of his arteries ; and

the effect upon the minds of strangers to his peculiarities may naturally enough have been unfavourable; but when the question arises, is a denial of a collateral and unessential matter of fact, a lapse of memory, or a meditated suppression, surely every one, who would not wantonly shake the stability of character, should feel bound to put the tenor of a long and honourable life against a most improbable supposition. This was the view taken by those who knew him best: among the rest by the late Mr. Grattan, whose friendship alone formed high evidence of a spotless reputation. For thirty years Mr. Grattan had been his intimate friend, and had seen him pass through the ordeal of times, which tried, as far as any earthly process can try, the worth and honour of a man; and what was his impassioned exclamation? "Mr. Goold is thoroughly known to me. I would stake my existence upon his integrity, as I would upon my own. If he is not to be trusted, I know not who is to be trusted!" To this attestation, and its inference, I cannot but cordially subscribe.<sup>1</sup>

<sup>1</sup> Mr. Goold became a Master in Chancery in 1832. He died in 1846.



M R. N O R T H.<sup>1</sup>

[NOVEMBER, 1824.]

I LOOK upon Mr. North to be, in several respects, a very interesting person. He is immediately so by the great respectability of his character and talents. He is at the same time a subject that less directly invites the attention and speculation of an observer, in consequence of certain predicaments of situation and feeling, upon which his lot has cast him, and in discussing which the mind must of necessity ascend from the qualities, and the fortunes of the individual, to considerations of a higher, and more lasting concern. If I were to treat of him solely as a practising barrister, possessed of certain legal attributes, and having reached a determined station, the task

<sup>1</sup> Henry North, Esq.

would be short and simple. But this would be unjust. Mr. North's mind and acquirements, and, it may be added, his personal history, entitle him to a more extended notice, and, in some points of view, to greater commendation, not unmingled, however, with occasional regrets, than his merely forensic career would claim.

It is now about fifteen years since Mr. North was called to the Irish Bar. He was called, not merely by the bench of legal elders performing the technical ceremony of investment, but by the unanimous voices of a host of admiring friends, so numerous as to be in themselves a little public, who fondly predicted that his career would form a new and brilliant era in the annals of Irish oratory. This feeling was not an absurd, and groundless partiality. There was, in truth, no previous instance of a young man making his entry into the Four Courts, under circumstances so imposing, and prophetic of a high destination. He had already earned the fame of being destined to be famous. In his college course, he had outstripped every competitor. He there obtained an *optime*—an attestation of rare occurrence, and to be extorted only by merit of the highest order in all of the several classical and scientific departments, upon which the

intellect of the student is made to sustain a public scrutiny into the extent of its powers and attainments.

The Historical Society was not yet suppressed. Mr. North was accounted its most shining ornament. It was an established custom, that each of its periodical sessions should be closed by a parting address from the chair, reviewing and commending the objects of the institution. The task, as a mark of honour, was assigned to Mr. North. It was the last of his academic efforts, and is still referred to by those who heard him, as a rare and felicitous example of youthful enthusiasm for eloquence and letters, soaring above the common-places of panegyric, and dignifying its raptures by the most luminous views, and by illustrations drawn from the resources of a pure and lofty imagination. It was pronounced to be a masterpiece, and the author urged to extend the circle of his admirers by consenting to its publication. But he had the modesty or the discretion to refuse; and the public were deprived of a composition, which, whatever might be its other merits, would at least have told as a glowing satire upon the miserable, monastic spirit, that soon after abolished the Historical Society, as a perilous innovation upon the primitive objects of the royal foundress of Trinity

College. It is edifying to add, that John Locke's Treatise on Government was also pronounced to inspire doctrines that would have met no countenance "in the golden days of good Queen Bess;" and, as such, was expelled from the college course. These judicious curtailments mark the presiding genius of Provost (now Bishop) Elrington. The goodly consequences will doubtless appear in the minds and conduct of the rising generation; and should any of them, by some strange perversity, turn aside from the contemplation of triangles, and the all-important rules of prosody, to indulge in a forbidden sentiment of patriotic ardour, or to try, by the test of their own unruly understandings, the merits of governments and colleges, and even of bishops, the venerable personage in question is not to be held responsible for such a fatal misappropriation of the human faculties. Well and truly may he exclaim

"Thou canst not say I did it."

Mr. North's talents for public speaking were further exercised, and with increasing reputation, in the Academical Society of London. The impression that he made there attracted numerous visitors. He had now to stand the brunt of an audience little predisposed to be fascinated by pro-

vincial declamation. But the severest judges of Irish oratory admitted that his was copious, brilliant, and, best of all, correct. He was pronounced by some to be fitted for the highest purposes of the senate. It was even whispered that a ministerial member (a fortunate emigrant from Ireland, who had lately proved his capacity for less delicate commissions,) had been secretly deputed from Downing-street to "look in" at the "Academics," and report upon the expediency of tendering a borough and a place to the youthful orator. But whether it was that the honourable and learned missionary had no taste for a style of eloquence above his own; or that he missed that native audacity which he could so well appreciate; or that he had the shrewdness to infer, from certain popular tendencies in the speaker's cast of thought, that he might turn out not to be a marketable man, the experiment upon Mr. North's virgin ambition, if ever meditated, was not exposed to the risk of failure.

The murmur, however, ran that such a proposal had been in agitation. Mr. North's growing celebrity had all the benefit of the rumour; and when he shortly after appeared in the Irish Hall, he was considered to have perched upon that bleak and arid

waste, as upon a mere place of passage, whence, at the expected season of transmigration, he was to wing his flight to a brighter and more congenial clime. This latter event, however, contrary to the calculations and wishes of all who knew him, was for years delayed. It is only the other day that Mr. North has at length been summoned to the senate. In the interval, his progress at the bar, however flattering it might be to a person of ordinary pretensions, has not realized the auspicious anticipations under which his coming was announced. Wherever he has been tried, he has proved his legal competency. In some of the qualifications for professional eminence, and, among them, those in which a proud but unambitious man would most desire to excel—in a sound and comprehensive knowledge of general principles, and a facility of developing them in lucid and imposing language, he need not shrink from a comparison with a single contemporary rival. In others, and especially in the rarer and higher art of kindling and controlling the passions of an auditory, he has not hitherto answered to the prophetic hopes by which he was “set like a man divine above them all;” while in respect of that extra-forensic and general importance which a person so gifted might, it

was imagined, so rapidly attain, he has been altogether stationary. When descending, "like a feathered Mercury," he first appeared to public view, he lighted upon a pedestal, and the pedestal and the statue remain where they were. The question is often asked by others, (and I doubt not by himself,) "How has this come to pass?" It is one involving matters of general interest to all who embark in public life; and I shall endeavour, as I proceed, to offer a few such incidental hints, as, when collected, may supply a satisfactory answer.

The early admirers of this accomplished young man were fully warranted at the time in their praises and predictions. His mind was one of rapid growth, and put forth, in its first-fruits, the same qualities, both in kind and degree, which are the subject of just admiration at the present day. His intellect is singularly sound and clear. For the acquirement of knowledge, it may be said to be nearly perfect. It is vigorous, cautious, and comprehensive. The power of attention, that master-key to science, is under his absolute control. Whatever is capable of demonstration is within his grasp. Give him any system to explore, and no matter how intricate the paths, wherever a discoverer has gone before, he will be

sure to follow in his track. His understanding, in a word, is eminently docile; at least so I would infer from the early extent and rapidity of his scientific attainments, and from the habits of order and perspicacity, with which he has mastered the less manageable dogmas of our national jurisprudence.

In the power of imparting what he has thus acquired, Mr. North has also much that is uncommon. One qualification of a speaker he possesses in an extraordinary degree. For extemporaneous correctness and copiousness of phrase, I would place him in the very highest rank. All that he utters, wherever the occasion justifies the excitement of his faculties, might be safely printed without revision. Period after period rolls on, stately, measured, and complete. There is a paternal solicitude—perhaps a slight tinge of aristocratic pride, in his determination that the children of his fancy should appear abroad in no vulgar garb. He is not like O'Connell, who, with the improvidence of his country, has no compunction in flinging a brood of robust young thoughts upon the world, without a rag to cover them. Mr. North's are all tastefully and comfortably clad. But this extraordinary care is unmarked by any laborious effort. In the article of stores of diction, his mind



is evidently in affluent circumstances, and betrays no lurking apprehension, that the demands upon it may exceed his resources. There are no ostentatious bursts of unwonted expenditure to keep up the reputation of his solvency. Sentence after sentence is disbursed with the familiar air of unconcern, which marks the possessor of the amplest funds.

With qualifications such as these, unequivocally manifested at a very early age, and aided by a graceful and imposing manner, and a personal character, which stamped a credit upon all he uttered, and these natural excellences stimulated by a generous ambition to answer the general call that was made upon him to be a foremost man in his day, it was naturally to be anticipated that Mr. North would do great things; but his endowments, however rare, have been greatly marred, as to all the purposes of his fame, by a radical defect of temperament, to the chilling influence of which I can trace the failure of the splendid hopes that attended his entrance upon public life. Mr. North has abundant strength of intellect, but he has not equal energy of will. His mind wants boldness and determination of character. It wants that hardihood

of purpose, and contempt of consequences, without which nothing great in thought or action can be accomplished. He is trammelled by a fastidious taste, and by a disastrous deference to every petty opinion that may be pronounced upon him. He sacrifices his fame to his dignity. Fame, he should have remembered, is like other fair ladies, and faint heart never won her. Like the rest, she must be warmly and importunately wooed. He shrinks, however, from the notion of committing himself as her suitor, except upon a classical occasion.

I have been often asked "if I considered Mr. North to be a man of genius?" My answer has been, "he would be, if he dared." If it were possible to transfuse into his system a few quarts of that impetuous Irish blood which revels in O'Connell's veins—if he could be brought to bestir himself, and burst asunder the conventional fetters that enchain his spirit, he has many of the other qualities that would entitle him to that envied appellation. But as it is, his powers are enthralled in a state of magnetic suspension between the conflicting influences of his ambition and his apprehensions. With all the desire in the world to be an eminent man, and conscious that the elements of greatness are within him, one

of its most necessary attributes he still is without—a sentiment of masculine self-reliance, and along with it a calm and settled disdain for the approbation of little friends, and the censure of little enemies, and the murmurs of the tea-table, and the mock-heroic gravity with which mediocrity is ever sure to frown upon a style of language or conduct above its comprehension.

Hence it is, that he has never yet redeemed the pledges of his youth. In his public displays, which, from the same scrupulous taste, have been far less frequent than they ought, he has been copious, graceful, instructive, and in general, almost faultless to a fault. But the lofty spirit of heroic oratory was wanting—"there was no pride nor passion there." He is so afraid of "tearing a passion to tatters," he'll scarcely venture to touch it. He distrusts even light from heaven, for fear it should lead astray. I am far from attributing these deficiencies to any inherent incapacity of lofty emotions in Mr. North; I should rather say that he has been, in some sort, the spoiled child of premature renown. The applause that followed his first attempts taught him too soon to propose himself as a model to himself, and to shudder at the danger of degene-

rating from that ideal standard. He speculated "too curiously" upon how much character he might lose, without considering how much more might yet be gained. In this respect he arrived too soon at his years of discretion. His mind seems also to have early imbibed an undue predilection for the mere elegancies of life, and for external circumstances as connected with them. In spite of his better opinions on the subject of human rights, I am not sure that his heart would not beat as high and quick at the pageantry of a coronation, as at the demolition of a bastille. In matters of literature, too, I would almost venture to say, that what in secret delights him most, is not the bold, impassioned, and agitating, but the gentle and diffuse: that he likes not the shock of those tempests of thought, that purify the mental atmosphere, chasing away the collected clouds, and tearing up our sturdiest prejudices by the roots, but rather prefers to repose his spirit in the midst of those quiet reveries, where no favourite opinion is in danger of being shaken. Instead of ascending to the mountain-tops with the hardy speculator, he would rather linger among the charms of the cultivated plain with the meek essayist—where, sauntering along through scenes of security and repose, with all

harsher objects excluded from the view, and nothing around but sweet sights, sweet smells, and pleasant noises becalming every sense, the pensive soul, forgetting for the moment the world, and its cares and crimes, is lulled to rest, and dreams that all is right.

Mr. North would have written the most beautiful letters in the world from the Lake of Geneva, and not the less so from the inspiring influence of an elegant residence on its banks. His speeches savour of the particular tastes I have been describing. There is too much of the equanimity of literature about them—too little of the ardour and impetuosity of passion, speaking *viva voce*. They rather resemble high-wrought, academic effusions, stately, orderly, and chaste, and having also the coldness of chastity, than the glowing eruptions of a mind on fire, warming and illuminating whatever comes within its range. To conclude, Mr. North is a proficient in the formal parts of the higher order of oratory—in diction—arrangement—the selection and command of topics—delivery—action—but, (to adopt some hackneyed illustrations) in the same degree as moonlight differs from the splendour of the sun, pearl from diamond, silver from gold, the scented and

well-trimmed shrubbery from the majestic forest, the placid waters of the lake from the impetuous heavings of "old ocean," so may he be said to fall short of first-rate excellence in the art of speaking.

From my observations upon Mr. North's mind, neutralized as he has permitted it to become, I should say that now his chief strength lies in sarcasm, and in that species of humour, which consists of felicitous combinations of mock-heroic imagery, and gorgeous diction, descriptive of the feelings and situation of the object ridiculed;—and yet he has employed his powers in this respect so sparingly, that I have some doubts whether he be fully aware of their extent. I have not heard that he gave any early indications of this talent; and though, at first view it may appear to be at variance with the leading propensities of his mind, I do not conceive it difficult to account for its existence. On the contrary, it seems natural enough, that a person, gifted with powers of language and imagination, but of too timid a taste to risk them upon sincere, and serious trains of sentiment, should resort to ridicule, and to that particular kind, to which I have just adverted. Such a person feels what an awful thing it is to be

accountable to a sneering public, for the appropriateness of every generous thought, and glowing illustration, into which a well-meaning, but too fervid enthusiasm may betray him. The incessant recollection of the proximity of the ludicrous to the sublime, appals and paralyzes him; but give him an adversary, whose motives, and reasonings, and language are to be travestied, and the spell that bound his faculties is dissolved. Here, where every exaggeration has a charm, he ventures to give full scope to his fancy. The very temper of mind, that renders him sensitive and wary, when he speaks in his own person, suggests the boldest images, and the more grotesque they are the better, when, by a rhetorical contrivance, the whole responsibility of them is, as it were, shifted upon the shoulders of another. I would almost venture to predict, that it is in this way that Mr. North will make himself most felt in the House of Commons. He has the classic authority of Mr. Canning, for proposing as a subject the "*Duigenan redivivus*" of the House; but I have my fears that he will select a nobler mark than Master Ellis. I therefore caution my opposition friends, and especially Mr. Hume, to be on their guard.

Mr. North's exterior has nothing very striking; his frame is of the middle size and slender, his features small and pallid, and unmarked by any prominent expression, save those habitual signs of exhaustion, from which so few of the occupied members of his profession are exempt. If he were a stranger to me, I should pass him by without observation, but knowing who he is, and feeling what he might be, I find his face to be far from a blank. Upon examination, it presents an aspect of still and steady thoughtfulness, with that peculiar curve about the lips when he smiles (as he often does,) which imports a refined, but too fastidious taste. When the countenance is in repose, I fancy that I can also catch there a trace of languor, such as succeeds a course of struggles where high and early hopes had been embarked, while a tinge of melancholy, so slight as to be dispersed by the feeblest gleam, but still returning and settling there, tells me that some, and the most cherished of them have been disappointed. I confess that I respect Mr. North too much to regret those indications of a secret dissatisfaction with his condition; and more especially, because in him they are entirely free from the ordinary fretfulness and acrimony of mortified ambition. He is too con-



siderate and just to wage a splenetic warfare with the world, because all the bright visions of his youth have not been realized; and he is still too young and too conscious of his capacity, to be irretrievably depressed, when reminded by others or by himself, that hitherto fame has spoken of him only in whispers, and that much must be done, both in intellect and action, before the glorious clang of her trumpet shall rejoice his ear.

These allusions to Mr. North's omissions as a public man, are offered in no unfriendly spirit. If I looked upon him as an ordinary person, I should say at once of him, that he has well fulfilled the task assigned him. He has won his way to a respectable station in a most precarious profession; enjoys considerable estimation for general talent, and is cordially honoured by all who know him, for the undeviating dignity and purity of his private life. But from those to whom much is given much is exacted. My quarrel with Mr. North is, that living under a system teeming with abuses, and loudly calling upon a man of his character and abilities to interpose their influence, he should have consented to keep aloof, a neutral and acquiescent spectator. For fifteen long years, a liberal and enlightened Irishman, seeing

with his own eyes what an English barrister could not read of without contempt for the nation that endured it, and not to have left a single document of his indignation!—not a speech, not a pamphlet, not an article in a periodical publication—not even, that forlorn hope of a maltreated cause, a well-penned, protesting resolution! What availed it to his country that he was known to be a friend of toleration, if his co-operation was withheld upon every occasion, where his presence would have inspired confidence, and his example have acted as a salutary incitement to others? What, that his theories upon the question of free discussion were understood to be manly and just, if, after having witnessed the irruption of an armed soldiery into a legal meeting,<sup>1</sup> and being himself among the dispersed at the point of the bayonet, he had the morbid patience to be silent under the affront to the laws, paying such homage to the times as scarcely to

“Hint his abhorrence in a languid sneer.”

His learning too, his literary and philosophic

<sup>1</sup> This occurred towards the close of the year 1820. It was a meeting of the county of Dublin, duly convened by the high sheriff, and afterwards abruptly dispersed by a military party, acting under his unjustifiable order to that effect.

stores, things so much wanted in Ireland,—where has he left a vestige of their existence, so as to justify the most flattering of his friends in saying to him, “ You have not lived in vain, and should you unfortunately be removed before your time, your country will miss you ? ”—This is what I complain of and deplore ; and these sentiments are strong in proportion to my estimate of his latent value, and my genuine concern for the interests of his fame ; for in the midst of my reproaches, I see so much to admire and respect in him, he is of so meek a carriage, and has about him so much of the gentleman and the scholar, that I cannot divest myself of a certain feeling of almost individual regard. Nor, in putting the matter thus, am I aware that I make any unreasonable exactions. At particular seasons, his profession, no doubt, must demand his undivided care : but there are intervals which, with a mind full as Mr. North’s is, might have been, and may still be, dedicated to honourable uses.

There are not wanting contemporary precedents to show what the incidental labours of a lawyer may accomplish, in science, in letters, in public spirit. Let him look to Mr. Brougham, to the versatility of his pursuits, and the varieties of his fame—the

Courts, the House of Commons, and the Edinburgh Review: to Denman, Williams, and many others of the English Bar, eminent, or on the road to eminence in their profession, and patriotic and instructive in their leisure; or, (a more pregnant instance still) let him turn to the Scotch, those hardy and indefatigable workers for their own and their country's renown. There is Jeffrey, Cockburn, Cranstoun, Murray, Montcrief, able advocates every man of them: the first,<sup>1</sup> the creator, and responsible sustainer of the noblest critical publication of the age; the others ardent and important helpmates, and all of them finding it practicable, amidst their regular and collateral pursuits, to take an active lead in the popular assemblies of the North. These men, whom energy and ambition have made what they are, may be used in other respects as a great example. Under circumstances peculiarly adverse to all who disdained to stoop, they never struck to the opinions of the day, but, confiding in themselves, were as stern and uncompromising in their conduct, as in their maxims, —yet are they all prosperous and respected, and

<sup>1</sup> When this was first printed, it was not generally known that the Edinburgh Review had been established by Jeffrey, in conjunction with some others, since eminent men.

formidable to all, by whom a high-spirited man would desire to be feared.

I see but one plausible excuse for the course of political quietude to which Mr. North so perseveringly adhered, and in fairness I should not suppress it. It was his fate to have commenced his career under the Saurin dynasty. Things are something better now, but some twelve or fifteen years ago, woe betided the patriotic wight of the dominant creed, who should venture to whisper to the public, that all was not unquestionable wisdom and justice in the ways of that potent and inscrutable gentleman. The opposition of a Catholic was far less resented. The latter was a condemned spirit, shorn of all effective strength, and was suffered to flounder away, impotent and unheeded in the penal abyss; but for a Protestant, and more than all, a Protestant barrister, to question the infinite perfection of the attorney-general's dispensations, was monstrous, blasphemous, and punishable—and punished the culprit was. All the loyal powers of the land sprung with instinctive co-operation, to avenge the outrage upon their chief and themselves. The loyal gates of the castle were slapt in his face. The loyal club to which he claimed admission, buried his preten-

sions under a shower of black beans. The loyal attorney suspected his competency, and withheld his confidence. The loyal discounter declined to respect his name upon a bill. The loyal friend, as he passed him in the streets, exchanged the old, familiar, cordial greeting, for a penal nod. In every quarter, in every way, it was practically impressed upon him, that Irish virtue must be its own reward. Even the women, those soothers of the cares of life, whose approbation an eminent French philosopher has classed among the most powerful incentives to heroic exertion,—even they, merging the charities of their sex in their higher duties to the state, volunteered their services as avenging angels. The tea-pot trembled in the hand of the loyal matron as she poured forth its contents, and along with it her superfine abhorrence of the low-lived incendiary; while the fair daughters of ascendancy, grouped around, admitted his delinquency with a responsive shudder, and vowed in their pretty souls to make his character, whenever it should come across them, feel the bitter consequences of his political aberrations. All this was formidable enough to common men. Mr. North was strong enough to have faced and vanquished it. Instead of fearing to provoke

the persecuting spirit of the times, he might have securely welcomed it as the most unerring evidence of his importance.

Having said so much, I am bound to add, that the foregoing observations have not the remotest reference to Mr. North's conduct at the Bar. There he is entitled to the highest praise, and I give it heartily, for his erect and honourable deportment in the public, and (an equal test of an elevated spirit) in the private details of his profession. The most conspicuous occasion, upon which he has yet appeared, was on the trial of the political rioters at the Dublin theatre. It was altogether a singular scene—presenting a fantastic medley of combinations and contradictions, such as nothing but the shuffling of Irish events could bring together; a band of inveterate loyalists brought to the bar of justice, for a public outrage upon the person of the king's representative; an attorney-general prosecuting on behalf of one part of the state, and the other exulting with all their souls at the prospect of his failure; a popular Irish bench; an acquitting Irish jury; and finally, the professional confidant of the Orange Lodges—the chosen defender of their acts and doctrines, Mr. North. It would be difficult to conceive a more

perplexing office. He discharged it, however, with great talent and (what I apprehend was less expected) consummate boldness. As a production of eloquence, his address to the jury contained no specimens of first-rate excellence, but many that were not far below it; while his general line of argument, and his manner of conducting it, gave signs of a spirit and power from which I would infer, that, should state-trials unfortunately become frequent in Ireland during his continuance at the Bar, he is destined to make no inconsiderable figure as a leading counsel for the defences. The Williamites were grateful for the effort, and greeted their successful advocate with enthusiastic cheers on his exit from the court. This was, I believe, the only public homage of the kind that Mr. North had ever received; and, however welcome at the moment, could scarcely fail to be followed by a sentiment of sadness, when he reflected upon the untowardness of the fate, which doomed his name to be for the first time exalted to the skies on the yell of a malignant faction, that he must in his heart have detested and despised.

The preceding views of Mr. North's intellectual characteristics were formed, and in substance committed to paper, before his recent appearance in the



House of Commons. Since that event I have seen nothing calling on me to retract or qualify my first impressions. If the effect which he produced there was not all that had been expected, I attribute it far less to any deficiency of general power, than to that want of energy and directness of purpose, which is the besetting infirmity of his mind. Let him but emancipate himself (and he has shown that he can do so) from the petty drags that have heretofore impeded his course, and he may yet become distinguished to his heart's content, and, what is better, eminently useful to his country. He has the means, and nothing can be more propitious than the period. Irish questions press upon the parliament; upon the most vital of them (the Catholic) he thinks with the just, and will not fail to make a stand. Upon the others he can be, what is most wanting in that house, a fearless witness. Wherever he interposes, the purity of his personal character—his position with the Government—even the neutrality of his former course, will give him weight and credit. Nor (as far as his ambition is concerned) will services thus rendered be unrewarded. So prostrate is the pride of Ireland, that she no longer exacts from her public men a haughty vindication of her rights. In

these times, a temperate mediator is hailed as a patriot. This Mr. North can be ; but to be so with effect, he must distinguish, better than he has yet done, between false complaisance and a manly moderation. He must give way to no mistaken feelings of political charity towards a generation of sinners, whom flattery will never bring to repentance. If he praises the country gentlemen of Ireland again, until they do something to deserve it, I shall be seriously alarmed for his renown.<sup>1</sup>

<sup>1</sup> Mr. North died in 1831. In the previous year he had been appointed judge of the Irish Court of Admiralty.

## CONFESSIONS OF A JUNIOR BARRISTER.

[JULY, 1825.]

My father was agent to an extensive absentee property in the south of Ireland. He was a Protestant, and respectably connected. It was even understood in the country, that a kind of Irish relationship subsisted between him and the distant proprietor whose rents he collected. Of this, however, I have some doubts; for, generally speaking, our aristocracy are extremely averse to trusting their money in the hands of a poor relation. Besides this, I was more than once invited to dine with a leading member of the family when I was at the Temple, which would hardly have been the case, had he suspected on my part any dormant claim of kindred. Being an eldest son, I was destined from

my birth for the bar. This, about thirty years ago, was almost a matter of course with our secondary gentry. Among such persons it was at that time an object of great ambition to have "a young counsellor" in the family. In itself it was a respectable thing—for who could tell what the "young counsellor" might not one day be? Then it kept off vexatious claims, and produced a general interested civility in the neighbourhood, under the expectation that whenever any little point of law might arise, the young counsellor's opinion might be had for nothing. Times have somewhat changed in this respect. Yet to this day the young counsellor who passes the law vacations among his country friends, finds (at least I have found it so) that the old feeling of reverence for the name is not yet extinct, and that his *dicta* upon the law of trespass and distress for rent are generally deferred to in his own county, unless when it happens to be the assizes' time.

I passed through my school and college studies with great *éclat*. At the latter place, particularly towards the close of the course, I dedicated myself to all sorts of composition. I was also a constant speaker in the historical society, where I discovered,

with no slight satisfaction, that popular eloquence was decidedly my forte. In the cultivation of this noble art, I adhered to no settled plan. Sometimes, in imitation of the ancients, I composed my address with great care, and delivered it from memory: at others I trusted for words (for I am naturally fluent) to the occasion; but, whether my speech was extemporaneous or prepared, I always spoke on the side of freedom. At this period, and for the two or three years that followed, my mind was filled with almost inconceivable enthusiasm for my future profession. I was about to enter it (I can call my own conscience to witness) from no sordid motives. As to money matters, I was independent; for my father, who was now no more, had left me a profit-rent of 300*l.* a-year. No, but I had formed to my youthful fancy, an idea of the honours and duties of an advocate's career, founded upon the purest models of ancient and modern times. I pictured to myself the glorious occasions it would present of redressing private wrongs, of exposing and confounding the artful machinations of injustice; and should the political condition of my country require it, as in all probability it would, of emulating the illustrious men whose eloquence and courage had

so often shielded the intended victim against the unconstitutional aggressions of the state.

It was with these views, and not from a love of "paltry gold," that I was ambitious to assume the robe. With the confidence of youth and of a temperament not prone to despair, I felt an instinctive conviction that I was not assuming a task above my strength; but, notwithstanding my reliance upon my natural powers, I was indefatigable in aiding them by exercise and study against the occasions that were to render me famous in my generation. Deferring for the present (I was now at the Temple) a regular course of legal reading, I applied myself, with great ardour, to the acquirement of general knowledge. To enlarge my views, I went through the standard works on the theory of government and legislation. To familiarize my understanding with subtle disquisitions, I plunged into metaphysics; for, as Ben Jonson somewhere says, "he that cannot contract the sight of his mind as well as dilate and disperse it, wanteth a great faculty;" and lest an exclusive adherence to such pursuits should have the effect of damping my popular sympathies, I duly relieved them by the most celebrated productions of imagination in prose and verse. Oratory was, of

course, not neglected. I plied at Cicero and Demosthenes. I devoured every treatise on the art of rhetoric that fell in my way. When alone in my lodgings, I declaimed to myself so often and so loudly, that my landlady and her daughters, who sometimes listened through the keyhole, suspected, as I afterwards discovered, that I had lost my wits; but, as I paid my bills regularly, and appeared tolerably rational in other matters, they thought it most prudent to connive at my extravagances. During the last winter of my stay at the Temple, I took an active part, as Gale Jones, to his cost, sometimes found, in the debates of the British Forum, which had just been opened for the final settlement of all disputed points in politics and morals.

Such were the views and qualifications with which I came to the Irish Bar. It may appear somewhat singular, but so it was, that previous to the day of my call, I was never inside an Irish court of Justice. When at the Temple, I had occasionally attended the proceedings at Westminster Hall, where a common topic of remark among my fellow students was the vast superiority of our Bar in grace of manner, and classical propriety of diction. I had therefore no sooner received the congratulations of my friends

on my admission, than I turned into one of the courts to enjoy a first specimen of the forensic oratory of which I had heard so much. A young barrister of about twelve years' standing was on his legs, and vehemently appealing to the court in the following words:—"Your lordships perceive that we stand here as our grandmother's administratrix *de bonis non*, and really, my lords, it does humbly strike me that it would be a monstrous thing to say, that a party can now come in, in the very teeth of an act of parliament, and actually turn us round under colour of hanging us up on the foot of a contract made behind our backs." The court admitted that the force of the observation was unanswerable, and granted his motion with costs. On inquiry, I found that the counsel was among the most rising men of the junior bar.

For the first three or four years little worth recording occurred. I continued my former studies, read, but without much care, a few elementary law-books, picked up a stray scrap of technical learning in the courts and the hall, and was now and then employed by the young attornies from my own county, as conducting counsel in a motion of course. At the outset I was rather mortified at the scantiness



of my business, for I had calculated upon starting into immediate notice; but being easy in my circumstances, and finding so many others equally unemployed, I ceased to be impatient. With regard to my fame, however, it was otherwise. I had brought a fair stock of general reputation for ability and acquirement to the bar, but, having done nothing to increase it, I perceived, or fancied I perceived, that the estimation I had been held in was rapidly subsiding. This I could not endure—and as no widows or orphans seemed disposed to claim my protection, I determined upon giving the public a first proof of my powers as the advocate of a still nobler cause.

An aggregate meeting of the Catholics of Ireland was announced, and I prepared a speech to be delivered on their behalf. I communicated my design to no one, not even to O'Connell, who had often urged me to declare myself; but on the appointed day I attended at the place of meeting, Clarendon-street chapel. The spectacle was imposing. Upon a platform erected before the altar stood O'Connell and his staff. The chair which they surrounded had just been taken by the venerable Lord Fingal, whose presence alone would have conferred dignity upon any assembly. The galleries

were thronged with Catholic beauties, looking so softly patriotic, that even Lord Liverpool would have forgiven in them the sin of a divided allegiance. The floor of the chapel was filled almost to suffocation with a miscellaneous populace, breathing from their looks a deep sense of rights withheld, and standing on tiptoe and with ears erect, to catch the sounds of comfort or hope which their leaders had to administer.

Finding it impracticable to force my way towards the chair, I was obliged to ascend and occupy a place in the gallery. I must confess that I was not sorry for the disappointment; for in the first feeling of awe which the scene inspired, I found that my oratorical courage, which like natural courage, "comes and goes," was rapidly "oozing out;"—but as the business and the passions of the day proceeded, as the fire of national emotion lighted every eye, and exploded in simultaneous volleys of applause, all my apprehensions for myself were forgotten. Every fresh round of huzzas that rent the roof rekindled my ambition. I became impatient to be fanned for my own sake by the beautiful white handkerchiefs that waved around me, and stirred my blood, like the visionary flags of the fabled Houris,

inviting the Mahommedan warrior to danger and to glory.

O'Connell, who was speaking, spied me in the gallery. He perceived at once that I had a weight of oratory pressing upon my mind, and good-naturedly resolved to quicken the delivery. Without naming me, he made an appeal to me under the character of "a liberal and enlightened young Protestant," which I well understood. This was conclusive, and he had no sooner sat down than I was on my legs. The sensation my unexpected appearance created was immense. I had scarcely said "My Lord, I rise,"—when I was stopped short by cheers that lasted for some minutes. It was really delicious music, and was repeated at the close of almost every sentence of my speech. I shall not dwell upon the speech itself, as most of my readers must remember it, for it appeared the next day in the Dublin Journals (the best report was in the Freeman) and was copied into all the London opposition papers except the Times. It is enough to say that the effect was on the whole tremendous. As soon as I had concluded, a special messenger was dispatched to conduct me to the platform. On my arrival there I was covered with praises and con-

gratulations. O'Connell was the warmest in the expression of his admiration;—yet I thought I could read in his eyes, that there predominated over that feeling the secret triumph of the partisan, at having contributed to bring over a young deserter from the enemy's camp. However, he took care that I should not go without my reward. He moved a special resolution of thanks "to his illustrious young friend," whom he described as "one of those rare and felicitous combinations of human excellence, in which the spirit of a Washington is embodied with the genius of a Grattan." These were his very words, but my modesty was in no way pained at them, for I believed every syllable to be literally true.

I went home in a glorious intoxication of spirits. My success had surpassed my most sanguine expectations. I had now established a character for public speaking, which, independently of the general fame that would ensue, must inevitably lead to my retainer in every important case where the passions were to be moved, and whenever the whigs should come in, to a seat in the British Senate.

After a restless night, in which however, when I

did sleep, I contrived to dream, at one time that I was at the head of my profession, at another that I was on the opposition side of the House of Commons redressing Irish grievances, I sallied forth to the courts to enjoy the impression which my display of the day before must have made there. On my way my ears were regaled by the cries of the news-hawkers, announcing that the morning papers contained "Young Counsellor ———'s grand and elegant speech." "This," thought I, "is genuine fame," and I pushed on with a quickened pace towards the Hall. On my entrance the first person that caught my eye was my friend and fellow-student Dick ———. We had been intimate at college, and inseparable at the Temple. Our tastes and tempers had been alike, and our political opinions the same, except that he sometimes went far beyond me in his abstract enthusiasm for the rights of man. I was surprised, for our eyes met, that he did not rush to tender me his greetings. However I went up to him, and held out my hand in the usual cordial way. He took it, but in a very unusual way. The friendly pressure was no longer there. His countenance, which heretofore had glowed with warmth at my approach, was still and

chilling. He made no allusion to my speech, but, looking round, as if fearful of being observed, and muttering something about its being "Equity-day in the Exchequer," moved away.

This was a modification of "genuine fame," for which I was quite unprepared. In my present elevation of spirits, however, I was rather perplexed than offended at the occurrence. I was willing to suspect that my friend must have found himself suddenly indisposed, or that, in spite of his better feelings, an access of involuntary envy might have overpowered him, or perhaps, poor fellow, some painful subject of a private nature might be pressing upon his mind, so as to cause this strange revolution in his manner. At the time I never adverted to the rumour, that there was shortly to be a vacancy for a commissionership of bankrupts, nor had I been aware that his name as a candidate stood first on the chancellor's list. He was appointed to the place a few days after, and the mystery of his coldness was explained. Yet I must do him the justice to say, that he had no sooner attained his object, than he showed symptoms of remorse for having shaken me off. He praised my speech, in a confidential way, to a common friend, and I forgave him, for one gets

tired of being indignant, and to this day we converse with our old familiarity upon all subjects, except the abstract rights of man.

In the course of the morning I received many similar manifestations of homage to my genius from others of my Protestant colleagues. The young, who up to that time had sought my society, now brushed by me as if there was infection in my touch. The seniors, some of whom had occasionally condescended to take my arm in the Hall, and treat me to prosing details of their adventures at the Temple, held themselves sullenly aloof, and if our glances encountered, petrified me with looks of established order. In whatever direction I cast my eyes, I met signs of anger or estrangement, or, what was still less welcome, of pure commiseration. Such were the first fruits of my "grand and elegant speech," which had combined (O'Connell, may Heaven forgive you!) "the spirit of a Washington with the genius of a Grattan." I must, however, in fairness state, that I was not utterly "left alone with my glory." The Catholics certainly crowded round me, and extolled me to the skies. One eulogized my simile of the eagle; another swore that the corporation would

never recover from the last hit I gave them; a third that my fortune at the bar was made. I was invited to all their dinner parties, and as far as "lots" of white soup and Spanish flummery went, had unquestionably no cause to complain. The attorneys, both in public and private, were loudest in their admiration of my rare qualifications for success in my profession, but though they took every occasion, for weeks and months after, to recur to the splendour of my eloquence, it still somehow happened that not one of them sent me a guinea.

I was beginning to charge the whole body with ingratitude, when I was agreeably induced to change my opinion, at least for a while. One of the most rising among them was an old schoolfellow of mine, named Shanahan. He might have been of infinite service to me, but he had never employed me, even in the most trivial matter. We were still, however, on terms of, to me, rather unpleasant familiarity; for he affected in his language and manners a certain waggish slang from which my classical sensibilities revolted. One day, as I was going my usual rounds in the Hall, Shanahan, who held a bundle of briefs under his arm, came up and drew me aside towards one of the recesses. "Ned, my



boy," said he, for that was his customary style of addressing me, "I just want to tell you that I have a sporting record now at issue, and which I'm to bring down to —— for trial at the next assizes. It's an action against a magistrate, and a bible-distributor into the bargain, for the seduction of a farmer's daughter. You are to be in it—I have taken care of that;—and I just want to know if you'd like to state the case, for, if you do, it can be managed." My heart palpitated with gratitude, but it would have been unprofessional to give it utterance; so I simply expressed my readiness to undertake the office. "Consider yourself, then, retained as stating counsel," said he, but without handing me any fee. "All you want is an opportunity of showing what you can do with a jury, and never was there a finer one than this. It was just such another that first brought that lad there into notice," (pointing to one of the serjeants that rustled by us). You shall have your instructions in full time to be prepared. Only hit the bible-boy in the way I know you can, and your name will be up on the circuit."

The next day Shanahan called me aside again. In the interval, I had composed a striking exordium

and peroration, with several powerful passages of general application, to be interspersed according as the facts should turn out, through the body of the statement. "Ned," said the attorney to me as soon as we had reached a part of the Hall where there was no risk of being overheard, "I now want to consult you upon"—here he rather hesitated—"in fact, upon a little case of my own." After a short pause he proceeded, "You know a young lady from your county, Miss Dickson?"—"Harriet Dickson?"—"The very one."—"Intimately well; she's now in town with her cousins in Harcourt Street; I see her almost every day." "She has a very pretty property, too, they say, under her father's will, a lease for lives renewable for ever."—"So I have always understood." "In fact, Ned," he continued, looking somewhat foolish, and in a tone half slang, half sentiment, "I am rather inclined to think—as at present advised—that she has partly gained my affections. Come, come, my boy, no laughing; upon my faith and soul I'm serious—and what's more, I have reason to think that she'll have no objection to my telling her so; but with those devils of cousins at her elbow, there's no getting her into a corner with one's self for an instant; so

what I want you to do for me, Ned, is this—just to throw your eye over a wide-line draft of a little notice to that effect I have been thinking of serving her with.” Here he extracted from a mass of law documents a paper endorsed “Draft letter to Miss D——,” and folded up and tied with red tape like the rest. The matter corresponded with the exterior. I contrived, but not without an effort, to preserve my countenance, as I perused this singular production, in which sighs and vows were embodied in the language of an affidavit to hold to bail. Amidst the manifold vagaries of Cupid, it was the first time I had seen him exchanging his ordinary dart for an attorney’s office-pen. When I came to the end, he asked if I thought it might be improved. I candidly answered that it would, in my opinion, admit of change and correction. “Then,” said he, “I shall be eternally obliged if you’ll just do the needful with it. You perceive that I have not been too explicit, for, between ourselves, I have one or two points to ascertain about the state of the property before I think it prudent to commit myself on paper. It would never do, you know, to be brought into court for a breach of promise of marriage; so you’ll keep this in view, and before you begin, just

cast a glance over the Statute of Frauds." Before I could answer, he was called away to attend a motion.

The office thus flung upon me was not of the most dignified kind, but the seduction-case was too valuable to be risked; so pitting my ambition against my pride, I found the latter soon give way, and on the following day, I presented the lover with a declaratory effusion, at once so glowing and so cautious, so impassioned as to matters of sentiment, but withal so guarded in point of law, that he did not hesitate to pronounce it a masterpiece of literary composition, and forensic skill. He overwhelmed me with thanks, and went home to copy and despatch it. I now come to the most whimsical part of the transaction. With Miss Dickson, as I had stated to her admirer, I was extremely intimate. We had known each other from childhood, and conversed with the familiarity rather of cousins than mere acquaintances. When she was in town, I saw her almost daily, talked to her of myself and my prospects, lectured her on her love of dress, and in return was always at her command for any small service of gallantry or friendship that she might require. The next time I called, I could perceive

that I was unusually welcome. Her cousins were with her, but they quickly retired, and left us together.

As soon as we were alone, Harriet announced to me "that she had a favour—a very great one indeed—to ask of me." She proceeded, and with infinite command of countenance. "There was a friend of hers—one for whom she was deeply interested—in fact it was—but no—she must not betray a secret—and this friend had the day before received a letter containing something like, but still not exactly a proposition of—in short—of a most interesting nature; and her friend was terribly perplexed how to reply to it, for she was very young and inexperienced, and all that; and she had tried two or three times, and had failed—and then she had consulted her (Harriet), and she (Harriet) had also been puzzled—for the letter in question was in fact, as far as it was intelligible, so uncommonly well written both in style and sentiment, that her friend was of course particularly anxious to send a suitable reply—and this was Harriet's own feeling—and she had, therefore, taken a copy of it (omitting names), for the purpose of showing it to me, and getting me—I was so qualified, and so clever at my pen, and all

that sort of thing—just to undertake—if I only would, to throw upon paper just the kind of sketch of the kind of answer that ought to be returned.”

The preface over, she opened her reticule, and handed me a copy of my own composition. I would have declined the task, but every excuse I suggested was overruled. The principal objection—my previous retainer on the other side, I could not in honour reveal; and I was accordingly installed in the rather ludicrous office of conducting counsel to both parties in the suit. I shall not weary the reader with a technical detail of the pleadings, all of which I drew. They proceeded, if I remember right, as far as a *surrebutter*—rather an unusual thing in modern practice. Each of the parties throughout the correspondence was charmed with the elegance and correctness of the other's style. Shanahan frequently observed to me, “what a singular thing it was that Miss Dickson was so much cleverer at her pen than her tongue;” and once upon handing me a letter, of which the eloquence was, perhaps, a little too masculine, he protested “that he was almost afraid to go farther in the business, for he suspected that a girl who could express herself so powerfully on paper, would one

day or other prove too much for him when she became his wife." But to conclude, Shanahan obtained the lady, and the lease for lives renewable for ever. The seduction-case (as I afterwards discovered) had been compromised the day before he offered me the statement; and from that day to this, though his business increased with his marriage, he never sent me a single brief.

Finding that nothing was to be got by making public speeches, or writing love-letters for attornies, and having now idled away some valuable years, I began to think of attending sedulously to my profession; and with a view to the regulation of my exertions, lost no opportunity of inquiring into the nature of the particular qualifications by which the men whom I saw eminent or rising around me, had originally outstripped their competitors. In the course of these inquiries, I discovered that there was a newly-invented method of getting rapidly into business, of which I had never heard before. The secret was communicated to me by a friend, a king's counsel, who is no longer at the Irish Bar. When I asked him for his opinion as to the course of study and conduct most advisable to be pursued, and at the same time sketched the general plan

which had presented itself to me, "Has it never struck you," said he, "since you have walked this hall, that there is a shorter and a far more certain road to professional success?" I professed my ignorance of the particular method to which he alluded. "It requires," he continued, "some peculiar qualifications: have you an ear for music?"—Surprised at the question, I answered that I had. "And a good voice?"—"A tolerable one."—"Then my advice to you is, to take a few lessons in psalm-singing; attend the Bethesda<sup>1</sup> regularly; take a part in the anthem, and the louder the better; turn up as much of the white of your eyes as possible, and in less than six months you'll find business pouring in upon you. You smile, I see, at this advice, but I have never known the plan to fail, except where the party has sung incurably out of tune. Don't you perceive that we are once more becoming 'an island of saints,' and that half the business of these courts passes through their hands. When I came to the bar, a man's success depended upon his exertions during the six working days of

<sup>1</sup> The chapel of that name in Dublin, much frequented in those days by the section of the Irish Bar, called "the Saints."



the week: but now, he that has the dexterity to turn the sabbath to account, is the surest to prosper—and

Why should not piety be made,  
As well as equity, a trade,  
And men get money by devotion  
As well as making of a motion."

These hints, though thrown out with an air of jest, made some impression on me, but after reflecting for some time upon the subject, and taking an impartial view of my powers in that way, I despaired of having hypocrisy enough for the speculation—so I gave it up. Nothing, therefore, remaining, but a more direct and laborious scheme, I now planned a course of study in which I made a solemn vow to myself to persevere. Besides attending the courts, and taking notes of the proceedings, I studied at home, at an average of eight hours a-day. I never looked into any but a law-book. Even a newspaper I seldom took up. Every thing that could touch my feelings, or my imagination, I excluded from my thoughts, as inimical to the habits of mind I now was anxious to acquire.

My circle of private acquaintances was extensive, but I manfully resisted every invitation to their houses. I had assigned myself a daily task to per-

form, and to perform it I was determined. I persevered for two years with exemplary courage. Neither the constant, unvarying, unrewarded labours of the day, nor the cheerless solitude of the evenings, could induce me to relax my efforts. I was not, however, insensible to the disheartening change, both physical and moral, that was going on within me. All the generous emotions of my youth, my sympathies with the rights and interests of the human race, my taste for letters, even my social sensibilities, were perceptibly wasting away from want of exercise, and from the hostile influence of an exclusive and chilling occupation. It fared still worse with my health: I lost my appetite and rest, and of course, my strength; a deadly pallor overcast my features, black circles formed round my eyes, my cheeks sank in; the tones of my voice became feeble and melancholy; the slightest exercise exhausted me almost to fainting; at night I was tortured by headaches, palpitations, and frightful dreams; my waking reflections were equally harassing.

I now deplored the sinister ambition that had propelled me into a scene for which, in spite of all my self-love, I began to suspect that I was utterly unfitted. I recalled the bright prospects under which

I had entered life, and passed in review the various modes in which I might have turned my resources to honourable and profitable account. The contrast was fraught with anguish and mortification. As I daily returned from the courts, scarcely able to drag my wearied limbs along, but still attempting to look as alert and cheerful as if my success was certain, I frequently came across some of my college contemporaries. Such meetings always gave me pain. Some of them were rising in the army, others in the church; others, by a well-timed exercise of their talents, were acquiring a fair portion of pecuniary competence and literary fame. They all seemed happy and thriving, contented with themselves and with all around them; while here was I, wearing myself down to a phantom in a dreary and profitless pursuit, the best years of my youth already gone, absolutely gone for nothing, and the prospect overshadowed by a deeper gloom with every step that I advanced. The friends whom I thus met, inquired with good nature after my concerns; but I had no longer the heart to talk of myself. I broke abruptly from them, and hurried home to picture to my now morbid imagination the forlorn condition of the evening of life to a briefless barrister. How often, at this period, I regretted that I

had not chosen the English Bar, as I had more than once been advised. There, if I had not prospered, my want of success would have been comparatively unobserved. In London I should, at the worst, have enjoyed the immunities of obscurity; but here, my failure would be exposed to the most humiliating publicity. Here I was to be doomed, day after day, and year after year, to exhibit myself in places of public resort, and advertise, in my own person, the disappointment of all my hopes.

These gloomy reflections were occasionally relieved by others of a more soothing and philosophic cast. The catastrophe, at the prospect of which I shuddered, it was still in my own power to avert. The sufferings that I endured were, after all, the factitious growth of an unwise ambition. I was still young and independent, and might, by one manly effort, sever myself for ever from the spell that bound me; I might transport myself to some distant scene, and find in tranquillity and letters, an asylum from the feverish cares that now bore me down. The thought was full of comfort, and I loved to return to it. I reviewed the different countries in which such a resting-place might best be found, and was not long in making a selection. Switzerland, with her

lakes and hills, and moral and poetic associations, rose before me: there, inhabiting a delightful cottage on the margin of one of her lakes, and emancipated from the conventional inquietudes that now oppressed me, I should find my health, and my healthy sympathies revive.

In my present frame of mind, the charms of such a philosophic retreat were irresistible. I determined to bid an eternal adieu to demurrers and special contracts, and had already fixed upon the time for executing my project, when an unexpected obstacle interposed. My sole means of support was the profit-rent, of which I have already spoken. The land, out of which it arose, lay in one of the insurrectionary districts; and a letter from my agent in the country announced that not a shilling of it could be collected. In the state of nervous exhaustion to which the "blue books" and "the blue devils" had reduced me, I had no strength to meet this unexpected blow. To the pangs of disappointed ambition were now added the horrors of sudden and hopeless poverty. I sank almost without a struggle, and becoming seriously indisposed, was confined to my bed for a week, and for more than a month to the house. When I was able to crawl out, I moved

mechanically towards the courts. On entering the hall, I met my friend the king's counsel, who had formerly advised the Bethesda; he was struck by my altered appearance, inquired with much concern into the particulars of my recent illness, of which he had not heard before, and, urging the importance of change of air, insisted that I should accompany him to pass a short vacation, then at hand, at his country-house in the vicinity of Dublin.

The day after my arrival there, I received a second letter from my agent, containing a remittance, and holding out more encouraging prospects for the future. After this I recovered wonderfully, both in health and spirits. My mind, so agitated of late, was now all at once in a state of the most perfect tranquillity—from which I learned, for the first time, that there is nothing like the excitement of a good practical blow (provided you recover from it) for putting to flight a host of imaginary cares. I could moralise at some length on this subject, but I must hasten to a conclusion. The day before our return to town, my friend had a party of Dublin acquaintances at his house: among the guests was the late Mr. D——, an old attorney in considerable business, and his daughter. In the evening, though it was

summer-time, we had a dance. I led out Miss D——; I did so, I seriously declare, without the slightest view to the important consequences that ensued.

After the dance, which (I remember it well) was to the favourite and far-famed "Leg-of-Mutton jig," I took my partner aside, in the usual way, to entertain her. I began by asking if "she was not fond of poetry?"—She demanded, "why I asked the question?"—I said, "because I thought I could perceive it in the expression of her eyes."—She blushed, "protested I must be flattering her, but admitted that she was."—I then asked, "if she did not think the Corsair a charming poem?"—She answered, "Oh, yes!"—"And would not she like to be living in one of the Grecian islands?"—"Oh, indeed she would."—"looking upon the blue waters of the Archipelago and the setting sun."—"How delightful it would be!" exclaimed she.—"And so refreshing!" said I. I thus continued till we were summoned to another set. She separated from me with reluctance, for I could see that she considered my conversation to be the sublimest thing that could be. The effect of the impression I had made soon appeared. Two days after I received a brief in rather an important case from her father's office. I

acquitted myself so much to his satisfaction, that he sent me another, and another, and finally installed me as one of his standing counsel for the junior business of his office. The opportunities thus afforded me, brought me by degrees into notice. In the course of time general business began to drop in upon me, and has latterly been increasing into such a steady stream, that I am now inclined to look upon my final success as secure.

I have only to add, that the twelve years I have passed at the Irish Bar have worked a remarkable change in some of my early tastes and opinions. I no longer, for instance, trouble my head about immortal fame; and, such is the force of habit, have brought myself to look upon a neatly folded brief, with a few crisp Bank of Ireland notes on the back of it, as, beyond all controversy, the most picturesque object upon which the human eye can alight.



## AN IRISH CIRCUIT.

"Here we go round, round, round."

[NOVEMBER, 1825.]

If any one, tired with the monotonous regularity of a more civilized existence, should desire to plunge at once into another scene, and take refuge from ennui in that stirring complexity of feeling produced by a series of images, solemn, pathetic, ludicrous, and loathsome, each crossing each in rapid and endless succession, I would recommend to him to attend one of the periodical progresses of Irish law through the interior of that anomalous country, and more particularly through one of the southern districts, which, out of deference to Captain Rock, I have selected as the scene of the present sketch.

Going circuit in Ireland, though of great import-

ance to the health of the bar,—they would die of stagnation else,—is at the outset but a dreary piece of business. When the time approaches, one can generally perceive by the faces in the hall, that it is felt as such. There are, of course, exceptions. A prosperous man, certain of a rich harvest of record-briefs, a crown prosecutor with the prospect of a “bumper” in every gaol, a sanguine junior, confiding in the promise of the defence in a heavy murder case or two, to bring him forward,—the spirits of these may be as brisk, and their eyes shine as bright as ever; but for the most part, the presentiment of useless expense, and discomfort in a thousand forms, predominates. The travelling arrangements are made with a heavy heart; the accustomed number of law-books, each carefully lapped up in its circuit-binding, and never, perhaps, to be opened till its return, are transferred with a sigh from the shelf to the portmanteau; and the morning of departure from the metropolis, no matter how gay the sunshine, or refreshing the breeze, is to many, to more than will dare confess it, the most melancholy of the year.

It certainly requires some stoutness of sensibility to face the south of Ireland. I have heretofore

spoken of the metropolis as an effort of Irish ostentation. The truth of this bursts upon you at every step as you advance into the interior. With the exception of the roads, the best, perhaps, in Europe, the general aspect of the country proclaims that civilization and happiness are sadly in arrear. Here and there the eye may find a momentary relief in the commodious mansion, and tasteful demesne of some opulent proprietor; but the rest of the scene is dismal and dispiriting. To those accustomed to English objects, the most fertile tracts look bare and barren. It is the country, but it has nothing rural about it: no luxuriant hedge-rows, no shaded pathways, no cottages announcing by the neatness without, that cleanliness and comfort are to be found within; but one undiversified continuity of cheerless stone-fences, and road-side hovels, with their typhus-beds piled up in front, and volumes of murky smoke forth issuing from the interior, where men and women, pigs<sup>1</sup> and children, are enjoying the blessings of our glorious constitution.

I travelled in a public conveyance, one of Bourne's,

<sup>1</sup> An Irish peasant being asked why he permitted his pig to take up its quarters with his family, made an answer abounding with satirical *naïveté*, "Why not? Doesn't the place afford every convenience that a pig can require?"

a most public-spirited and meritorious gentleman in every locomotive point of view. He has done much to entitle him to the gratitude of the Irish traveller ; still, to complete his work, I would suggest to him, that he might suggest in a quiet way to the respective landladies, on his line of road, that the quality of their chopped-hay and sloe-leaves has been latterly observed upon, by some very respectable inside passengers, as not exactly quite so good, as with a little management might be easily procured from any of the Cork or Dublin manufacturers. We were four inside, myself, a barrister, an attorney, and a middle-aged, low-spirited Connaught gentleman, whom at first, from his despondency, I took to be a recent insolvent, but he turned out to be only the defendant in an impending ejectment case, which had already been three times decided in his favour. The roof of the coach was covered (besides other luggage) with attorney's clerks, policemen, witnesses, reporters, &c., all, more or less, put in motion by the periodical transfer of litigation from town to country. Before our first breakfast was concluded, I had known the names and destination of almost all of them, and from themselves ; for it is a trait of Irish character to be on singularly confidential terms with the public.

This is sometimes troublesome, for they expect a return in kind; but it is often amusing, and any thing is better than the deadly taciturnity of an English traveller. How often have I been whisked along for miles and hundreds of miles with one of the latter species, without a single interchange of thought to enliven the way, with no return to any overture of sociality, but defensive hems, and predetermined monosyllables.

There is no stout-gentleman-like mystery upon the Irish roads. The well-dressed young man, for example, that sits beside you at the public breakfast-table, after troubling you for the sugar-bowl, or observing that the eggs are musty, will proceed without further introduction to tell you, "how his father, a magistrate of the county, lives within three miles and a half of the Cove of Cork, and what fine shooting there is upon his father's estate, and what a fine double-barrelled gun he (the son) has, and how he has been up to Dublin to attend his college examinations, and how he is now on his way down again to be ready for the grouse,"—to the dapper pimpled-faced personage at the other side of the table, who, while his third cup of tea is pouring out, reveals *pro bono publico* that he fills a confidential office in

the bank of Messrs.— and Co., and that his establishment has no less than five prosecutions for forgery at the — assizes, and that he is going down to prove the forgery in them all—*et sic de ceteris*.

Upon the present occasion, however, there was one exception. Among the outside passengers there were two who sat and breakfasted apart, (though there was no want of space at the public table) in a recess, or rather a kind of inner room. One of them, a robust, decent-looking, man, if alone, would have excited no particular observation; but the appearance and deportment of his companion, and a strange sort of impression, which I could perceive that his presence occasioned, arrested my attention. He was about thirty years of age, had a long, sunken, sallow visage, with vulgar features, coarse bushy, neglected black hair, shaggy overhanging brows, and a dark, deep-seated, sulky, ferocious eye. But though his aspect was vulgar, his dress was not so. It consisted of a new blue coat and trousers, a showy waistcoat, Wellington boots, and a gaudy-coloured silk neckcloth. Little or no conversation passed between him and his companion, who never separated from him, and seemed assiduous in his care, that the best fare the inn afforded should be placed before

him. He, however, seemed untouched by the attentions bestowed upon him, either rejecting them gruffly, or accepting them with a hardened, thankless air. His manner was altogether so extraordinary, and the contrast between his haggard, forbidding countenance, and his respectable attire so striking, that my curiosity was not a little raised, more especially as I could see that several of the company eyed him with suspicion and dislike, while the waiters approached him with signs of aversion, which they took no trouble to conceal.

Their meal being concluded, his companion, after paying the bill for both, motioned to him with a certain air of command, to rise and follow him. He obeyed, and retired in the same sullen, apathetic manner, that had marked the rest of his demeanour. From these appearances, my first conjecture was, that this must be some unfortunate person of imperfect understanding, who was travelling under the care of a keeper. Upon resuming my place in the coach, I inquired who he was from one of my fellow-passengers (the barrister), and was undeceived. He was an informer, or more technically speaking, an approver, one of a party, who a year before had perpetrated the murder of an entire family in the south.

He had lately been taken, had turned king's evidence, made confessions which led to the apprehension of his accomplices, and was now proceeding, under charge of a policeman, to be a witness for the crown upon their trial.

This information explained only a part of what I had seen. I observed that I still could not comprehend why such a miscreant should appear in so respectable a dress, and be treated in other respects with a degree of indulgence, to which another in his condition of life, (for he was of the lowest class) though unstained by any crime, could have no pretension. The barrister made answer, "This is often indispensable for the purposes of justice, for it is difficult to imagine how unmanageable these ruffians sometimes are. They know the importance of the testimony they have to give, and which they alone can give, and, in consequence, become capricious and exacting in the extreme. Though in the hands of government, and with the evidence of their own admissions to convict them, they take a perverted pleasure in exercising a kind of petty tyranny over the civil authorities. They insist on having clothes, food, lodging, modes of conveyance, according to their particular whims; and, if their impertinent



demands be resisted, threaten to withhold their evidence, and submit to be hanged. One starts at the singularity of a man's saying, 'Let me have a smart new blue coat with double-gilt buttons, or a halter, —a pair of Wellington boots, or the hangman,' but our desperate villains do these things, and the person in question, I can perceive, is one of them."

The subject thus started led to a conversation upon Irish courts of justice. I was in luck, for my fellow traveller teemed with anecdotes, which he related with native fluency and point, touching judges, juries, counsel, witnesses, criminals, hangmen, and aught else that appertained to Irish law. He told *inter alia*, (would that I had noted down the details!) how Lord Avonmore, to his latest hour, would put no trust in a Kerry-man, the reason being (as with indignant gravity he used to justify his antipathy) that the only time he attended the Tralee assizes, he was employed in a single half-guinea case, in which he failed, and a day or two after, as he was travelling alone on the road to Cork, he was waylaid by his clients, reproached for his want of skill, and forcibly compelled to refund the fee—and how a Clare jury of old, in a case of felonious gallantry, acquitted the prisoner of the capital charge, but

found him guilty of “a *great undacency*”—and how Harry Grady, in a desperate case at Limerick, hoisted an inebriated bystander upon the table to prove his statement, and every question being answered by a hiccup, got a verdict by persuading the jury, that the opposite party had made his only witness drunk—and how a dying felon, after confessing all the enormities of his career, was asked by the priest, if he could not recollect one single good action of his life to be put to the credit of his soul, to which the answer was—“No, father—God! forgive me, not one—not a single—Oh! yes, I now remember—I once shot a gauger.”

The entrance of the bar into an assize town, though still an event, has nothing of the scenic effect that distinguished it in former days. At present, from the facilities of travelling, each separate member can repair, as an unconnected individual, to the place of legal rendezvous. This has more convenience, but less of popular *éclat*. Till about half a century ago, it was otherwise. Then the major part of the bar of each circuit travelled on horseback, and for safety and pleasure kept together on the road. The holsters in front of the saddle—the outside-coat strapped in a roll behind—the dragoon-like regu-

larity of pace at which they advanced, gave the party a certain militant appearance. An equal number of servants followed, mounted like their masters, and watchful of the saddle-bags, containing the circuit wardrobe, and circuit library, that dangled from their horses' flanks. A posse of pedestrian suttlers bearing wine and groceries, and such other luxuries as might not be found upon the road, brought up the rear.

Thus the legal caravan pushed along; and a survivor of that period assures me in a style somewhat quaint, (which however I adopt,) "that it was a goodly sight; and great was the deference and admiration with which they were honoured at every stage; and when they approached the assize town, the gentlemen of the grand jury were wont to come out in a body to bid them welcome. And when they met, the greetings, and congratulations, and friendly reciprocities, were conducted on both sides in a tone of cordial vociferation, that is now extinct. For the counsellor of that day was no formalist; neither had too much learning attenuated his frame, nor prematurely quenched his animal spirits; but he was portly and vigorous, and laughed in a hearty roar, and loved to feel good claret disporting through his veins, and would any day prefer a fox-chase to a special retainer;

and all this in no way detracted from his professional repute, seeing that all his competitors were even as he was, and that juries in those times were more gullible than now, and judges less learned and inflexible, and technicalities less regarded or understood, and motions in arrest of judgment seldom thought of,—the conscience of our counsellor being ever at ease when he felt that his client was going to be hanged upon the plain and obvious principles of common sense, and natural justice, so that circuit and circuit-business was a recreation to him; and each day through the assizes he was feasted and honoured by the oldest families of the county, and he had ever the place of dignity beside the host; and his flashes of merriment (for the best things said in those days were said by counsellors) set the table in a roar, and he could sing, and would sing a jovial song too: and if asked, he would discourse gravely, and pithily of public affairs, being deeply versed in state-concerns, and, peradventure, a member of the Commons'-house; and when he spoke, he spoke boldly, and as one not fearing interruption or dissent,—and what he said was received, and treasured up by his admiring audience, as oracular revelations of the fate of kingdoms till the next assizes."

Thus far my informant—himself a remnant of this by-gone race, and as such contrasting, not without a sigh, the modern degeneracy of slinking into a circuit-town, in a corner of the Dublin mail, with the pomp and circumstance, that marked the coming of the legal tourist in the olden time. Still the circuit-going barrister of the present day, though no longer so prominent an object of popular observance, is by no means considered as an ordinary person. The very title of “counsellor” continues to maintain its magic influence over the imaginations of the populace. When he comes to be known among them, landlords, waiters, guards, and coachmen, bow to him as low, and are as alert in service, as if he were a permanent grand-jury man, or chief magistrate of police. At an assize-ball (if he be still in his juniority) the country belles receive him with their choicest smirks, while the most influential country gentlemen (excepting those who have received a college education, or who have been to Cheltenham) are cautious and complimentary in their converse with one, who can take either side of any question extempore, divide it, by merely crossing his fingers, into three distinct points of view,

and bring half a dozen knock-down arguments to bear upon each.

The most striking scenes upon an Irish circuit are to be found in the criminal courts. The general aspect of the interior, and the forms of proceeding, have nothing peculiar; but scarcely a case occurs that does not elicit some vivid exhibition of national character, or afford matter of serious reflection upon the moral and political condition of the country. I would add, that the very absence of such reflection on the part of the spectators, is itself an observable phenomenon: for instance—the first morning that I entered the Crown Court at Tralee, I perceived the witness-table covered by a group of mountain-peasantry, who turned out to be three generations of one family, grandfather, father, and three or four athletic sons. Their appearance, though decent, was wild and picturesque. They were all habited in a complete suit of coarse, blue frieze. The eldest of the party sustained himself upon a long oaken staff, which gave to him a certain pastoral air, while each of the others, down to the youngest, a fine, fierce, black-haired, savage-eyed lad of seventeen, was armed with a formidable club of the same favourite timber. The old man, resting

upon his staff, and addressing the interpreter, was meekly, and deliberately explaining in the Irish language, for the information of the court, the object of his application.

It needed no interpreter to tell me that he was recounting a tale of violence and wrong. The general purport, as he proceeded, was intelligibly translated in the kindling looks, the vehement gesticulations, and, — where any circumstance was omitted or understated, — the impassioned and simultaneous corrections of the group behind him. Though he more than once turned round to rebuke their impetuosity, it was easy to perceive that his own tranquillity of manner was the result of effort; but the others, and least of all the younger portion of the party, could not submit to restrain their emotions. The present experiment of appealing to the laws was evidently new to them, and unpalatable. As they cast their quick, suspicious glances round them, and angrily gave their cudgels a spasmodic clench, they looked less like suitors in a court of justice, than as an armed deputation from a barbarous tribe, reluctantly appearing in a civilized enemy's camp, with proposals for a cessation of hostilities. And there was some such sacrifice of warlike

instincts in the present instance. The party, for once listening to pacific counsel, had come down from their hills, to seek compensation from the county, for the loss of their house and stock, which had been maliciously burned down—they suspected, but had no proof—by “their old enemies the O’Sullivans.” Yet the details of their case, embracing midnight conflagration, imminent risk of life, destruction of property, produced, so familiar are such outrages, not the slightest sensation in a crowded court. Some necessary forms being gone through, they were dismissed, with directions to appear before the grand jury; and I do not forget that as they were retiring, the youngest of the party uttered a vehement exclamation, in his native tongue, importing—“That if the grand jury refused them justice, every farthing of their loss should (come of it what would) be punctually paid down to them in the blood of the O’Sullivans.”

The dock of an Irish county court is quite a study. From the character of the crimes to be tried, as appearing on the calendar, I expected to find there a collection of the most villanous faces in the community: it was the very reverse. I would even say that, as a general rule, the weightier the charge,



the better the physiognomy, and more prepossessing the appearance of the accused. An ignoble misdemeanor, or sneaking petty larcenist, may look his offence pretty accurately; but let the charge amount to a good transportable, or capital felony, and ten to one but the prisoner will exhibit a set of features, from which a committee of craniologists would never infer a propensity to crime. In fact, an Irish dock, especially after a brisk insurrectionary winter, affords some of the choicest samples of the peasantry of the country—fine, hardy, muscular, healthy-looking beings, with rather a dash of riot about the eye, perhaps, but with honest, open, manly countenances, and sustaining themselves with native courage amidst the dangers that beset them; and many of them are, in fact, either as guiltless as they appear, or their crimes have been committed under circumstances of excitation, which, in their own eyes at least, excuse the enormity.

With regard to the former, there are one or two national peculiarities, and not of a very creditable kind, which account for their numbers. The lower orders of the Irish, when their passions are once up on the right side, are proverbially brave, disinte-

rested, and faithful; but reverse the object, give them a personal enemy to circumvent, or an animosity of their faction to gratify, and all the romantic generosity of their character vanishes. As partizans, they have no more idea of "fair play," than a belligerent Indian of North America. In the prosecution of their interminable feuds, if they undertake to redress themselves, armed members will beset a single defenceless foe, and crush him without remorse; and in the same spirit of reckless vengeance, when they appeal to the law, they do not hesitate to include in one sweeping accusation, every friend or relative of the alleged offender, whose evidence might be of any avail upon his defence; and hence, for the real or imputed crime of one, whole families, men and women, and sometimes even children, are committed to prison, and made to pass through the ordeal of a public trial. Another prolific source of these wanton commitments is a practice, pretty ancient in its origin, but latterly very much on the increase, of attempting to succeed on a question of civil right by the aid of a criminal prosecution. Thus the legality of a distress for rent will come on to be tried for the first time under the form of a charge for

cow-stealing, or the regularity of a "notice to quit," upon an indictment for a forcible and felonious dispossession.<sup>1</sup> But even omitting these

<sup>1</sup> These vindictive or wanton prosecutions are becoming so frequent, and the immediate and consequential evils are so great,—for revenge in some lawless form or other is sure to follow,—that the government of the country ought to interfere. The judges when such cases come before them, never fail to express their indignation, and to warn the magistracy to be more cautious in granting committals without thoroughly sifting the truth of the depositions upon which they are grounded; but the guilty party, the malicious prosecutor, escapes unpunished. His crime is wilful perjury—but this is an offence against which, by a kind of general consent in Ireland, the laws are seldom or never put in force—and hence one of the causes of its frequency; but if prosecutors and their witnesses were made practically to understand that the law would hold them responsible for the truth of what they swear, if the several crown solicitors were instructed to watch the trials upon their respective circuits, and to make every flagrant case of perjury that appeared, the subject of prompt and vigorous prosecution, some check might be given to what is now a monstrous and increasing mischief. The experiment, I understand, was made some time ago at Cork, and, though only in a single instance, with a very salutary effect. On the first day of the assizes, a bystander, seeing a dock friend in danger, jumped upon the table to give him "the loan of an oath." His testimony turning out to be a tissue of the grossest perjury, the judge ordered a bill of indictment for the offence to be forthwith prepared, and sent up to the grand jury. The bill was found, and in the course of the same day, the offender was tried, convicted, sentenced to transportation, put on board a convict-ship then ready to sail, and, by daybreak next morning, found himself bearing away before a steady breeze for Botany Bay. The example had such an effect, that scarcely an

exceptions, I should say from my own observations that an Irish gaol is, for the most part, delivered of remarkably fine children, particularly "the boys," though from the numbers at a single birth, it would be too much to expect that they all should be found "doing well." In many, the vital question is quickly decided, while in others, and it is for these that one's interest is most raised, the chances of life and death appear so nicely balanced, that the most experienced observer can only watch the symptoms, without venturing to prognosticate the issue. Such, to give an apposite example, was the memorable instance of Larry Cronan.

Larry Cronan was a stout hardy Irish lad of five and twenty. Like Saint Patrick, "he came of dacent people."<sup>1</sup> He was a five-pound freeholder—paid his rent punctually—voted for his landlord, and against his conscience—seldom missed a mass, a fair, a wake, or a row—hated, and occasionally cudgelled the tithe-proctor—loved his neighbour—had a wife and five children, and on the whole,

alibi-witness was to be had for love or money during the remainder of the assizes.

<sup>1</sup> "Saint Patrick was a gentleman,  
And he came of dacent people."—*Irish Song*.

passed for one of the most prosperous and well-conducted boys in his barony. All this, however, did not prevent his being "given to understand by the clerk of the crown" at the summer assizes for his native county, that he stood indicted in No. 15, for that he on a certain night and at a certain place, feloniously and burglariously entered a certain dwelling-house, and then and there committed the usual misdeeds against his Majesty's peace and the statute; and in No. 16, that he stood capitally indicted under the Ellenborough act; and in No. 17, for a common assault.

I was present at his trial, and still retain a vivid recollection of the fortitude and address with which he made his stand against the law; and yet there were objects around him quite sufficient to unnerve the boldest heart—a wife, a sister, and an aged mother, for such I found to be the three females who clung to the side bars of the dock, and awaited in silent agony the issue of his fate. But the prisoner, unsoftened and undismayed, appeared unconscious of their presence. Every faculty of his soul was on the alert to prove to his friends, and the county at large, that he was not a man to be hanged without a struggle. He had used the pre-

caution to come down to the dock that morning in his best attire, for he knew that, with an Irish jury, the next best thing to a general good character, is a respectable suit of clothes. It struck me that his new silk neckerchief, so bright and glossy, almost betokened innocence: for who would have gone to the unnecessary expense, if he apprehended that its place was so soon to be supplied by a halter? His countenance bore no marks of his previous imprisonment. He was as fresh and healthy, and his eye as bright as if he had all the time been out on bail.

When his case was called on, instead of shrinking under the general buzz that his appearance excited, or turning pale at the plurality of crimes of which he was arraigned, he manfully looked the danger in the face, and put in action every resource within his reach to avert it. Having despatched a messenger to bring in O'Connell from the other court, and beckoned to his attorney to approach the dock side, and keep within whispering distance, while the jury were swearing, he "looked steadily to his challenges," and manifested no ordinary powers of physiognomy in putting by every juror that had anything of "a dead, dull, hanging look." He had

even the sagacity, though against the opinion of the attorney, to strike off one country gentleman from his own barony, a friend of his in other respects, but who owed him a balance of three pounds for illicit whiskey. Two or three sets of alibi witnesses, to watch the evidence for the crown, and lay the venue of his absence from the felony, according to circumstances, were in waiting, and, what was equally material, all tolerably sober. The most formidable witness for the prosecution had been that morning bought off. The consideration was a first cousin of Larry's in marriage, a forty-shilling freehold upon Larry's farm, a feather-bed, value two pounds fifteen shillings, and a pig and a spade to set the young couple going. Thus prepared, and his counsel now arrived, and the bustle of his final instructions to his attorney and circumstanding friends being over, this stoic of the dock calmly committed the rest to fortune, resembling, in this particular, the intrepid mariner, who, perceiving a storm at hand, is all energy and alertness to provide against its fury, until, having done all that skill and forethought can effect, and made his vessel as "snug and tight" as the occasion will permit, he looks tranquilly on as she drifts before the gale, assured

that her final safety is now in other hands than his.

The trial went on after the usual fashion of trials of the kind. Abundance of hard swearing on the direct, retractions and contradictions on the cross-examinations. The defence was a masterpiece. Three several times the rope seemed irrevocably entwined round poor Larry's neck—as many times the dexterity of his counsel untied the knot. From some of the witnesses he extracted, that they were unworthy of all credit, being notorious knaves, or process-servers. Others he inveigled into a metaphysical puzzle touching the prisoner's identity—others he stunned by repeated blows with the butt-end of an Irish joke. For minutes together the court, and jury, and galleries, and dock were in a roar. However the law or the facts of the case might turn out, it was clear that the laugh at least was all on Larry's side. In this perilous conjuncture, amidst all the rapid alternations of his case—now the prospect of a triumphant return to his home and friends, now the sweet vision abruptly dispelled, and the gibbet and executioner staring him in the face—Larry's countenance exhibited a picture of heroical immobility. Once and once



only, when the evidence was rushing in a full tide against him, some signs of mortal trepidation overcast his visage. The blood in his cheeks took fright and fled—a cold perspiration burst from his brow. His lips became glued together. His sister, whose eyes were rivetted upon him, as she hung from the dock side, extended her arm, and applied a piece of orange to his mouth. He accepted the relief, but like an exhausted patient, without turning aside to see by whose hand it was administered. At this crisis of his courage, a home-thrust from O'Connell floored the witness, who had so discomposed his client; the public buzzed their admiration, and Larry was himself again.

The case for the crown having closed, the prisoner's counsel announced that he would call no witnesses. Larry's friends pressed hard to have one at least of the alibis proved. The counsel was inflexible, and they reluctantly submitted. The case went to the jury, loaded with hanging matter, but still not without a saving doubt. After long deliberation, the doubt prevailed. The jury came out, and the glorious sound of "not guilty," announced to Larry Cronan, that for this time he had miraculously escaped the gallows. He bowed with undissembled

gratitude to the verdict. He thanked the jury. He thanked "his lordship's honour." He thanked his counsel—shook hands with the gaoler—sprang at a bound over the dock, was caught as he descended in the arms of his friends, and hurried away in triumph to the precincts of the court. I saw him a few minutes after, as he was paraded through the main street of the town on his return to his barony. The sight was enough to make one almost long to have been on the point of being hanged. The principal figure was Larry himself, advancing with a firm and buoyant step, and occasionally giving a responsive flourish of his cudgel, which he had already resumed, to the cheerings and congratulations amidst which he moved along. At his sides were his wife and sister, each of whom held the collar of his coat firmly grasped, and, dragging him to and fro, interrupted his progress every moment, as they threw themselves upon him, and gave vent to their joy in another, and another convulsive hug. A few yards in front, his old mother bustled along in a strange sort of a pace, between a trot and a canter, and every now and then, discovering that she had shot too far a head, pirouetted round, and stood in the centre of the street, clapping her withered hands, and shouting

out her ecstasy in native Irish, until the group came up, and again propelled her forward. A cavalcade of neighbours, and among them the intended alibi witnesses, talking as loud, and looking as important as if their perjury had been put to the test, brought up the rear. And such was the manner and form in which Larry Cronan was reconducted to his household gods, who saw him that night celebrating, in the best of whiskey and bacon, the glorious issue of his morning's pitched battle with the law.

## AN IRISH CIRCUIT.

(CONTINUED.)

[DECEMBER, 1825.]

THE profusion of crime periodically appearing upon the Irish calendars, wears, it must be admitted, a very fearful aspect ; quite sufficient to deter the British capitalist from trusting his wealth within its reach. Yet, from the observations I have had an opportunity of making, I am greatly inclined to think that instances of pure, unmitigated, unprovoked invasion of life and property, would be found (every requisite comparison being made) to be, upon the whole, less frequent than in England. The hardened, adroit, and desperate English felon, embracing and persevering in crime as a means of bettering his condition, is a character that, with the exception

of two or three of the capital towns, has few counterparts in Ireland. The Irish peasantry have unquestionably increased in fierceness within the last twenty or thirty years; yet, as far as outrages upon property for the sake of gain are concerned, it is never the genius of a people so poor, and contented with so little, and that little so easily procured, to become gratuitous thieves and highwaymen. They have too little taste for even the necessities of life to risk their necks for its luxuries. At seasons of unusual pressure, and under circumstances of peculiar excitement, they are less abstinent; but even then, they violate the laws in numbers and as partisans, and their murders and depredations have more the character of a political revolt, than of a merely felonious confederacy. In truth it may be almost said, that in the southern districts of Ireland, the only constituted authentic organ of popular discontent is midnight insurrection. If rents are too high, if the tithe-proctor is insatiable, if agents are inexorable, and distrain with undue severity, the never-failing Captain Rock *instantly* takes the field with his nocturnal forces, issues his justificatory manifestoes, levies arms and ammunition upon the gentry, burns a few obnoxious tenements, murders

a police-magistrate or two, and thus conveys to the public his dissatisfaction with a state of things, which (supposing them possible to exist in any quarter of England) would be bloodlessly laid before the nation for reprobation and redress, in a series of well-penned letters to the editor of the Morning Chronicle.

There is, however, one particular felony, always figuring conspicuously upon an Irish calendar, which I rather fear that a genuine son of St. Patrick has a natural predisposition to commit for its own sake. Irishmen, the most sensitive for the honour of their country, must, I think, admit, that among them a youthful admirer of the fair sex, with a hot-spring of true Milesian blood in his veins, is disposed to be rather abrupt and peremptory towards the object of his adoration. And yet among all the various cases that are tried at an Irish assizes, those in which "ladies are recommended to leave the court" are, perhaps, the most perplexing to a judge and jury. If, on the one hand, the Hibernian lover be often hasty and irregular in his style of courtship; on the other, the beauties of the bogs (let Mr. O'Connell deny it as he will) are sometimes frail;—and, besides, the charge is in itself so easily made, and

so difficult to refute—still, it may in any given case be true ; and the witnesses depose to their wrongs in such heart-rending accents, and weep, and sigh, and faint away so naturally—but then again, so many instances occur, in which all this turns out to be imposture ; and the complainant has always so many motives to swear to her own purity through thick and thin, and the boundary between importunacy and felony is so undefinable, and she is in general so ready to consent, that, after all, the affair shall terminate, like a modern comedy, in a marriage ; for, in nine cases out of ten, it is almost impossible to divine, whether the real object of the prosecutrix is the prisoner's life, or his hand and fortune.

The party accused (whenever in point of fact he can do so) suspects it to be the latter, and it is often amusing enough to watch his deportment, as influenced by that impression, throughout the progress of his trial. At first he takes his station at the bar, with the confident, and somewhat swaggering air of a man determined not to be bullied by a capital prosecution into a match against his taste. It is in vain that the prosecutrix apprises him by her softened and half-forgiving glances, and her tender reluctance to swear too hard at first, that, if

he says but the word, she is ready "to drop the business," and fly into his arms. In vain his friends and hers endeavour to impress upon him the vast difference in point of comfort and respectability between life with a wife and home, and the premature abridgment of his days upon a gibbet. "No; his mind is made up, and he'll run all chances; and if she only tells the whole matter just as it happened, and might happen to any body, not a hair of his head has cause to be afeard." This lasts for a time; but, as the case in its progress begins to wear a serious aspect, and the countenance of his attorney to assume along with it an ominous gravity, wondrous is the revolution of sentiment that is gradually but rapidly produced. She upon whom a little while ago he frowned in scorn, on a sudden begins to find favour in his sight. With every step that her gentle hand conducts him towards his doom, he becomes more conjugally inclined. The more the thickening danger compels him to reconsider his determination, the more clearly he sees that, after all, it will be better to receive his "death from her eyes" than from her tongue; until at length, being fairly led to the foot of the gallows, with the rope, in such cases the most potent of love-chains, fast about his



neck, he announces himself the repentant lover, tenders the *amende honorable*, and is transferred with all convenient speed from the impending gripe of the hangman to the nuptial clasp of a young and blooming bride. Such matches can hardly be said to be "made in heaven;" yet I have never heard that they turn out less prosperously than others. The wife is all gratitude and pride for having been "made an honest woman;" the husband is usually bound over at the time of the marriage to keep the peace towards the mistress of his soul; and with these collateral securities for domestic bliss, they generally contrive to live on, and defy Mr. Malthus, with as much harmony as if their fates had been united by a less circuitous process.<sup>1</sup>

These may be things to smile at; but exhibitions of a far different character occasionally occur, not,

<sup>1</sup> There is a difference of opinion among the judges as to the expediency of permitting a prosecution to be stopped in the manner above described. The question is full of difficulty; but all things considered, it would probably be more salutary, to let the law in every instance take its course. If an indulgence, which originated in humanity, often saves a court and jury from a distressing duty, it, on the other hand, has a tendency to encourage interested prosecutions, and also to render the actual commission of the crime more frequent, by holding out to offenders the possibility of such a means of escape as the last resort.

as already stated, more frequently than elsewhere, but when they do appear, presenting instances of deep, aboriginal depravity, for which no political or social palliation can be found. Nor is it exclusively from among the refuse of the community that such examples may be taken. Of this I have before me a remarkable illustration in the details of a case that happened a few years ago, and which, in addition to the singularity of the incidents, has the novelty of being now, for the first time, presented in a printed form to the public.

The river Shannon, in its passage westward towards the Atlantic, expands, about forty miles below the city of Limerick, into a capacious sheet of water resembling an estuary, and making a distance of ten or twelve miles from bank to bank. At the northern or county of Clare side is the town of Kilrush. Upon the opposite shore, adjoining the borders of the counties of Limerick and Kerry, is the town of Tarbert; and, a few miles higher up the stream, the now inconsiderable village of Glyn—the same from which a branch of the Fitzgeralds originally took their ancient, and still honoured title of “Knights of Glyn.” None of these places make any kind of show upon the banks, which, besides,

are pretty thickly planted almost down to the water's edge. The river itself, in this part, presents few signs of human intercourse. In the finest summer weather, the eye may often look round, and search in vain for a single bark or boat to break the solitude of the scene. The general desolation is at times so complete, that were an adept in crime to be in quest of a place, where a deed of violence might be perpetrated under the eye of God alone, he could not select a fitter scene than the channel of the river Shannon, midway between the points I have just described.

One morning a little after sunrise, about the latter end of July, in the year 1819, two poor fishermen, named Patrick Connell and John Driscoll, who lived at Money-Point, a small hamlet near Kilrush, went down to the river side, according to their custom, to attend to their occupation. As they walked along the strand in the direction of their boat, they came upon a human body, which had been washed ashore by the last tide. It was the remains of a young female, and had no clothing or covering of any kind, excepting a small bodice. Who or what she had been they could not conjecture, but how she came by her death was manifest. They found a rope tied

at one end, as tightly as possible, round the neck, and at the other, presenting a large loop, to which they supposed that a stone or some other weight had been attached, until the working of the stream had caused it to separate. From the general state of the body, and more particularly from the front-teeth having almost all dropt out, they concluded that it must have been under the water for some weeks.

After a short consultation, the two fishermen resolved upon proceeding without delay to Kilrush, to apprise the civil authorities of the circumstance; but in the mean time they could not bear to think of leaving the remains exposed, as they had found them, on the shore, and liable to be borne away again by the tide before they could return. They accordingly removed the body to a little distance beyond high-water mark, and gave it a temporary interment. The feelings, with which they performed this office, were marked by that tender and reverential regard towards the dead, which distinguishes the Irish peasantry. Upon the subsequent investigations, it became of importance to ascertain, whether the burial had been conducted in such a manner, as not to have occasioned any additional injury or disfigurement to the remains; and Patrick

Connell being asked the question, replied in a tone of voice so pathetic as to bring tears into many eyes. "No," said the poor fellow, raising both his hands, and attempting to convey by their movements the gentleness that had been used, "it was impossible for any thing we did to injure or disfigure her, for we laid her up neatly in sea-weeds, and then covered her all round softly with the sand, so that nothing could harm her."

The magistrates of the neighbourhood having ascertained from the report of the fishermen that a dreadful crime had been committed, set immediate inquiries on foot for the discovery of the offender. The task could not have devolved upon a more competent class of men. Whatever other failings may have been imputed to the Irish country-gentlemen, indifference or inexpertness in the detection of criminals has not been among them. Time out of mind, the political and social anomalies of Ireland have kept that body continually on the alert for the protection of their lives and properties. To the abstract principle of public duty and general love of justice, has been superadded the more pressing stimulus of self-preservation. The consequence is, that their local information in all that can relate to

the discovery of a public offender, is singularly accurate and extensive ; and equally remarkable is their skill and zeal in putting every resource in play for the attainment of their object.<sup>1</sup> The exertions of the magistrates in the present instance were so successful, that a considerable mass of circumstantial evidence was in readiness for the coroner's jury, that was summoned to inquire into the identity of the deceased, and the cause of her death. The details

<sup>1</sup> Liberal pecuniary rewards for prosecuting to conviction, are among the number ; but experience has shown that in such a country as Ireland, this may be a very dangerous expedient. A striking instance occurred a few years ago. A young gentleman, the son of an unpopular English agent, was barbarously murdered. The reward offered, amounted to some hundreds of pounds. For some time no evidence was tendered ; at length a boy, about thirteen years of age, and whose parents were in the most indigent circumstances, presented himself, and stated that he had witnessed the murder from a concealed position behind a hedge, and that he could identify one of the persons engaged in it by a particular mark on one of his cheeks. From the description, suspicion lighted upon a particular man, who was accordingly apprehended, and being shown to the boy was pronounced by him to be the very person. On the trial, the boy, the only material witness, gave his evidence so clearly and positively, and sustained the ordeal of a cross-examination so successfully, that the most incredulous could scarcely question his veracity. The prisoner, however, was fortunately able to prove an alibi, and escaped. A few months after, the real criminal, who had a mark on one of his cheeks, was apprehended, tried, and convicted upon evidence beyond all imputation.

were voluminous, and I shall therefore select only the most striking and material.

The most important and ample information was communicated by a young woman named Ellen Walsh. A few weeks before the finding of the remains, this person being at Kilrush, went down to the river-side in search of a passage across to Glyn, where she resided in service with a lady. It was then approaching sunset. Upon arriving at the shore, she found a small pleasure-boat on the point of putting off for Tarbert. Six persons were in the boat, a Mr. Scanlon, a young woman who was addressed as Mrs. Scanlon, Stephen Sullivan, (Mr. Scanlon's servant,) and three boatmen of the town of Kilrush. There was also on board a trunk belonging to Mrs. Scanlon. The only one of the party, of whom Ellen Walsh had any previous knowledge, was Sullivan, whose native place was Glyn; and upon addressing herself to him for a passage across, she was permitted to enter the boat. They immediately got under weigh, expecting to reach Tarbert before dark; but before they had proceeded any distance on their way across, they discovered that this was impracticable. In addition to an adverse tide, it came on to blow so hard against

them, that the boat made little or no way, so that they were kept out upon the water the whole of the night. Towards morning, a heavy shower of rain fell, but, the wind having moderated, the rowers succeeded in reaching a small place below Tarbert, called Carrickafoyle. Here the party landed as the day began to dawn, and, taking the trunk along with them, proceeded to a small public-house in the village, to dry themselves and obtain refreshment. After breakfast, the boatmen, who had been hired for the single occasion of rowing the boat across the river, were dismissed, and returned towards their homes. The boat, which (it afterwards appeared) had been purchased a few days before by Mr. Scanlon, remained. Shortly after the departure of the boatmen, Mr. Scanlon and Sullivan went out (they said to search for change of a note), and were absent about an hour, leaving Mrs. Scanlon and Ellen Walsh together in the public-house. And here it was that some particulars observed by the latter, when subsequently recalled to her recollection and disclosed, became of vital moment as matters of circumstantial evidence.

It has been already stated, that the body found by the fishermen was without any covering, save a



small bodice ; so that no direct evidence of identity could be established by ascertaining what particular dress Mrs. Scanlon had worn ; but indirectly, a knowledge of this fact (as will appear in the sequel) became of the first importance. Upon this subject Ellen Walsh was able to give some minute and accurate information. She had forgotten the colour of the gown Mrs. Scanlan wore, when they landed at Carrickafoyle, but she well remembered, that she had on a grey cloth mantle lined with light blue silk, and with welts of a particular fashion in the skirts. She also wore a pink-coloured silk handkerchief round her neck, and had on her finger two gold rings,—one plain, the other carved. These Ellen Walsh had observed and noted before Mr. Scanlon and his servant left the public-house ; but during their absence, Mrs. Scanlon opened the trunk, and, with the natural vanity of a young female, exhibited for her admiration several new articles of dress which it contained. Among other things there were two trimmed spencers—one of green, the other of yellow silk ; two thin muslin frocks—one plain, the other worked ; and a green velvet reticule trimmed with gold lace.

Upon the return of Mr. Scanlon and Sullivan to

the public-house, the weather having now cleared, they proposed to Mrs. Scanlon to go on board the boat. Ellen Walsh, understanding that Tarbert was their destination, desired to accompany them ; but Sullivan, taking her aside, recommended her to remain where she was until the following morning, adding (and this last observation was in the hearing of his master) that in the mean time " they would get rid of that girl," and then return and convey her to Glyn. This Ellen Walsh declined, and followed the party to the beach, entreating to be at least put across to the other side of a certain creek there, which would save her a round of several miles on her way homewards. At first they would not consent, and put off without her ; but seeing her begin to cry, Mr. Scanlon and Sullivan, after a short consultation, put back the boat, and taking her in, conveyed her across the creek, and landed her about three miles below the town of Glyn. They then sailed away in the direction of the opposite shore, and she proceeded homewards.

Early next morning, Ellen Walsh having occasion to go out upon some errand, was surprised to see Sullivan standing at the door of his mother's house in Glyn. She entered the house, and the first thing

she perceived was Mrs. Scanlon's trunk upon the floor. She asked if Mrs. Scanlon was in Glyn. Sullivan replied "that she was not, that they had shipped her off with the captain of an American vessel." Two or three days after, Ellen Walsh saw upon one of Sullivan's sisters a grey mantle, which she instantly recognised as the one Mrs. Scanlon had worn at Carrickafoyle. There was a woman at Glyn, named Grace Scanlon, with whom Mr. Scanlon, when he went there, was in the habit of lodging. In this person's house Ellen Walsh sometime after saw the silk handkerchief, one of the spencers, and the two muslin frocks which Mrs. Scanlon had shown her at Carrickafoyle. (These, it appeared from other evidence, had been sold to Grace Scanlon by Sullivan, who accounted to her for their coming into his possession by stating that "Mrs. Scanlon had run away from Kilrush with an officer, and left her trunk of clothes behind her.) Finally, about a fortnight after the disappearance of Mrs. Scanlon, Ellen Walsh, going one evening into Grace Scanlon's house, found Mr. Scanlon and Sullivan sitting there. The former had on one of his fingers a gold carved ring, precisely resembling that worn by Mrs. Scanlon. They both were under the influence

of liquor, and talked much and loud. Among other things, Sullivan asked his master for some money; and on being refused, observed emphatically, "Mr. John, you know I have as good a right to that money as you have."

Such were in substance the most material facts (excepting one particular hereafter mentioned) that had fallen under Ellen Walsh's observation; and upon the magistrates being apprised that she had such evidence to give, she was summoned as a witness upon the inquest. She accordingly attended, and accompanied the coroner's jury to the place where the remains had been deposited by the fishermen. The circumstances she detailed were pregnant with suspicion against Mr. Scanlon and his servant. A young and defenceless female had disappeared. Upon the last occasion of her having been seen, she was in their company, in an open boat, on the river Shannon. A declaration had been made by the servant "that she was to be got rid of." On the very next day her trunk of clothes is seen in their possession, and soon after, a part of the dress she wore in the boat on the servant's sister, and one of her rings on the master's finger; add to this the mysterious allusion to the money: "Mr. John, you know I

have as good a right to that money as you have." A few weeks after, a body is washed ashore, near to the place where this young woman had last been seen,—the body of a young female, who had manifestly been stript and murdered, and flung into the river, and exhibiting symptoms of decay (according to the report of the fishermen) that exactly tallied with the time of her suspected death.

But on the other hand, there were some circumstances in the case, as detailed by Ellen Walsh, which justified the magistrates in considering that a jury should pause before they pronounced her evidence to be conclusive. Of Sullivan they had no knowledge; but his master they knew to be a young gentleman of some territorial property, of respectable parentage, and nearly allied by blood with more than one of the noble families of Ireland. This naturally compelled them to entertain some doubts. Then upon the supposition that he and his servant had concerted the murder of the young woman Ellen Walsh had seen with them, what could have been more clumsy and incautious than their previous and subsequent conduct? The inference from her story of the transaction was, that the time and manner of executing their deadly purpose was

finally determined upon during their absence from the public-house at Carrickafoyle. Yet the first thing they do upon their return is to inform her, without any kind of necessity for the communication, "that they want to get rid of that girl,"—a declaration consistent enough with their subsequent account of her disappearance, but almost incredible if considered as a gratuitous disclosure by persons meditating the perpetration of an atrocious crime. They next permit the same person (as if determined that she should be a future witness against them) to see them bearing away their victim to the very scene of execution; and finally, they appear the next day in the town of Glyn, and publicly exhibit themselves and the evidences of their crime, to the very person from whose scrutiny and observation, upon the supposition of their guilt, they must have known they had so much to apprehend! Was this conduct upon their part to be regarded as the ordinary carelessness of conscious innocence, which, fearing nothing, has nothing to conceal; or, might it not rather be one more instance of that dispensation, which, in furtherance of the great law that human blood is not to be shed with impunity, so often strikes the as yet unsuspected criminal with fatuity,

and mysteriously impels him to become his own, and earliest accuser?

These conflicting views did not escape the attention of the magistrates, who had undertaken the investigation of this affair. They saw that the case would continue involved in mystery, unless it could be unequivocally made to appear that the young woman seen by Ellen Walsh, and the murdered person were the same. For this purpose, before they allowed the body to be disinterred for the inspection of the jury, they used the precaution of re-interrogating Ellen Walsh as to every the minutest particular she could recall respecting the personal appearance of Mrs. Scanlon. The witness stated that she was extremely young, not more, she imagined, than fifteen or sixteen, and that her figure was short and slight. So far her description corresponded with that of the fishermen, who were also in attendance; but this would have been too feeble and general evidence of identity for a court of criminal inquiry to act upon with safety. The witness farther stated that Mrs. Scanlon was remarkably handsome, and gave the coroner's jury a minute description of her face; but no comparison of feature could now be availing. In the miserable

relic of humanity over which the investigation was holding, every natural lineament of the countenance must long since have been utterly effaced by death, and by the equally disfiguring operation of the element to which they had been exposed. At length, however, the witness distinctly recalled to her recollection one peculiarity about the face of the young woman with whom she had crossed the Shannon, which, if she and the deceased were the same, might still be visible. The teeth were not perfectly regular. *Two of the upper row (one at each side) projected considerably.* This important clue having been obtained, the remains were disinterred, and found in the condition which the fishermen had described. The mouth was of course the first and chief object of minute inspection. The teeth of the upper jaw had all dropped out; but upon a careful examination of the sockets, two of the side ones were found to be of such a particular formation as satisfied the jury, that the teeth belonging to them must of necessity have projected as the witness had represented. Upon this fact, coupled with the other particulars of her testimony, they returned a verdict, finding that the deceased had been wilfully murdered by John Scanlon and Stephen Sullivan. Warrants



were immediately issued for the apprehension of the parties accused, neither of whom (and this was not an immaterial circumstance) had been seen in public since the finding of the remains on the shore. The servant succeeded in concealing himself. The master was traced to a particular farm-house in the county of Limerick, and followed thither by the officers of justice, accompanied by a party of dragoons. They searched the place ineffectually, and were retiring as from a fruitless pursuit, when one of the dragoons, as he was riding away, stuck his sabre, more in sport than otherwise, into a heap of straw that lay near the house. The sword met with no resistance, and the dragoon had already passed on, when a figure burst from beneath the straw, and called out for mercy. It was Mr. Scanlon.

From some passages in the statement of Ellen Walsh, it was sufficiently obvious that the deceased could not have been the wife of Mr. Scanlon, and who she had been, remained to be discovered. Before the lapse of many days, this point was ascertained. There was a humble man named John Conroy, who had followed the trade of a shoemaker in one of the small towns of the county of Limerick. This person had humanely protected an orphan

niece (named Ellen Hanly), and brought her up from her infancy in his house as his own child, till she attained her sixteenth year. She was uncommonly handsome, and, as he imagined, equally modest and trustworthy. Her uncle, who it appeared was an honest, industrious man, was in the habit of obtaining credit to a considerable amount, for articles in the way of his trade, from the wholesale dealers in Cork, which he regularly visited once a year for the purpose of discharging his engagements for the preceding, and obtaining a fresh supply for the ensuing year. A few weeks before the circumstances above detailed, Conroy was about to proceed to Cork, according to his annual custom. He had then in his house one hundred pounds in notes, and twelve guineas in gold. On the Sunday preceding his intended departure, while he was at mass, Ellen Hanly disappeared, and along with her the whole of this money. He never heard of her after, neither had he any knowledge of Mr. Scanlon; but from the description given of the young woman who had been with him on the Shannon, and more particularly from the coincidence of the peculiarity about the teeth, he was assured that his niece must have been the person, and was accordingly produced as a

witness for the crown upon Mr. Scanlon's trial. The disclosure of these new facts, though it might have diminished in some degree the public sympathy for the fate of the victim, had a proportionate effect in aggravating every sentiment of horror against the prisoner, by superadding the crimes of seduction and robbery to murder.<sup>1</sup>

The trial came on at the ensuing assizes for the county of Limerick. A clear case of circumstantial evidence, consisting mainly of the foregoing facts, was made out against the prisoner, who had nothing, save the ingenuity of his counsel, to offer in his defence. When the issue was handed up to the jury, it was supposed that they would return a verdict of conviction without leaving the box; but, contrary to expectation, they retired, and continued long engaged in consultation. The populace, who watched the proceedings with extraordinary interest, murmured at the delay. This was by no means a usual or characteristic sentiment; but at this particular period, and in this particular county, the

<sup>1</sup> It was generally understood, but was not given in evidence, that he had served for five or six years in the royal navy; and it was conjectured that his former profession had suggested the purchase and employment of a boat for effecting his deadly purpose.

minds of the lower orders were already in rapid progress towards that point of political excitation, which soon after exploded in a formidable insurrection. Against the culprit, or the crime they might have felt in the abstract no peculiar indignation; but he was a Protestant, and a gentleman, and they naturally contrasted the present hesitation to convict with the promptitude that, as they considered, would have been manifested had such evidence been adduced against any one of them. At length, late in the evening, a verdict of guilty was found. Sentence of death was pronounced, and the prisoner ordered for execution on the next day but one succeeding his conviction.

Some very unusual incidents followed. Before the judge<sup>1</sup> left the bench, he received an application, sanctioned by some names of consideration in the county, and praying that he would transmit to the Viceroy a memorial in the prisoner's favour. The judge, feeling the case to be one where the law should sternly take its course, refused to interfere. He was then solicited to permit the sentence to be at least respited to such a time as would enable those interested in the prisoner's behalf to ascertain the

<sup>1</sup> The late Judge Jebb.

result of such an application from themselves. To this request the same answer was for the same reasons returned. There being, however, still time, if expedition were used, to make the experiment, a memorial, the precise terms of which did not publicly transpire, was that evening dispatched by a special messenger to the seat of government. This proceeding was the subject of much and varied commentary. By some it was attributed to the prisoner's protestations of innocence—for he vehemently protested his innocence—by others to particular views and feelings, in which politics predominated—by the majority (and this conjecture appears to have been the true one) to an anxiety to avert, if possible, from the families of rank and influence with which the culprit was allied, the stigma of an ignominious execution.

The hour beyond which the law had said that this guilty young man should not be permitted to exist, was now at hand, and the special messenger had not returned. Yet, so confident were the prisoner's friends that tidings of mercy were on the way, that the Sheriff humanely consented to connive at every possible procrastination of the dreadful ceremony. He had already lived for more than two hours

beyond his appointed time, when an answer from the Castle of Dublin arrived. Its purport was, to bid him prepare for instant death. I have heard from a gentleman who visited his cell a few minutes after this final intimation, that his composure was astonishing. His sole anxiety seemed to be, to show that he could die with firmness. An empty vial was lying in the cell—"You have been taking laudanum, I perceive, sir," said the gentleman. "I have," he replied, "but not with the object that you suspect. The dose was not strong enough for that—I merely took as much as would steady my nerves." The prisoner's irons were now to be struck off, and among the remarkable circumstances of this case was the fact, that the turnkey sent to the cell for the purpose, was a person of about the same age, who had been brought up on or near the property of the prisoner's father, and who, in the son's days of boyhood and innocence, had been the constant companion of his field-sports, and other amusements. The turnkey, remembering all this, was now moved to tears, and, as he performed his melancholy duty, sobbed out, "Oh! Master John, there was once a time when I little thought I should ever have a job like this to do for your father's son." According to

the same gentleman's report, Scanlon, at this interview, asserted his innocence of all participation in the murder of Ellen Hanly, and declared that, if ever Sullivan should be brought to trial, the injustice of the present sentence would appear.

The friends of the prisoner were, for many and obvious reasons, desirous that he should be conveyed in a close carriage to the place of execution. Expecting a reprieve, they had neglected to provide one, and they now found it impossible to hire such a conveyance. Large sums were offered at the different places where chaises and horses were to be let; but the popular prejudice prevailed. At last an old carriage and harness were found exposed to sale, and purchased. Horses were still to be provided, when two turf carts belonging to tenants of the prisoner, appeared moving into the town. The horses were taken from under the carts, and harnessed to the carriage. To this the owners made no resistance; but no threats or entreaties could induce either of them to undertake the office of driver. After a further delay occasioned by this difficulty, a needy wretch among the by-standers was tempted by the offer of a guinea to take the reins, and brave the ridicule of the mob. The prisoner, accompanied by

the gaoler and clergyman, was put into the carriage, and the procession began to advance. At the distance of a few hundred yards from the gaol, a bridge was to be passed. The horses, which had shown no signs of restiveness before, no sooner reached the foot of the bridge than they came to a full stop. Beating, coaxing, cursing,—all were unavailing—not an inch beyond that spot could they be made to advance. The contest between them and the driver terminated in one of the horses deliberately lying down amidst the cheers of the mob. To their excited apprehensions, this act of the animal had a superstitious import. It evinced a preternatural abhorrence of the crime of murder—a miraculous instinct in detecting guilt, which a jury of Irish gentlemen had taken hours to pronounce upon.

Every effort to get the carriage forward having failed, the prisoner was removed from it, and conducted on foot to the place of execution. It was a solemn and melancholy sight, as he slowly moved along the main street of a crowded city, environed by military, unpitied by the populace, and gazed at with shuddering curiosity from every window. For a while the operation of the laudanum he had drunk



was manifest. There was a drowsy stupor in his eye as he cast it insensibly around him. Instead of moving continuously forward, every step he made in advance seemed a distinct and laborious effort. Without the assistance of the gaoler and clergyman, who supported him between them, he must, to all appearance, have dropped on the pavement. These effects, however, gradually subsided, and before he arrived at the place of execution, his frame had resumed its wonted firmness. The conduct of the prisoner in his last moments had nothing remarkable; yet it suggests a few remarks, and furnishes a striking illustration upon a subject of some interest, as connected with the administration of justice in Ireland.

In that country, an extraordinary importance is attached to dying declarations. In cases exciting any unusual interest, no sooner is a convicted person handed over to the executioner, than he is beset on all sides with entreaties to make what is called a last satisfaction to justice, and to the public mind, by an open confession of his guilt. As between the convict and the law, such a proceeding is utterly nugatory. If he denies his guilt, he is not believed; if he admits it, he only admits a fact so conclusively

established, as to every practical purpose, that any supplemental corroboration is superfluous. If the verdict of a jury required the sanction of a confession, no sentence could be justifiably executed in any case where that sanction was withheld. But this could not be. In submitting the question of guilt or innocence to the process of a public trial, we apply the most efficacious method that our laws have been able to devise for the discovery of the truth. The result, like that of all other questions depending upon human testimony, may be erroneous. The condemned may be a martyr, for juries are fallible: but for the purposes of society their verdict must be final, except upon those rare occasions, where its propriety is subsequently brought into doubt by new evidence emanating from a less questionable source than that of the party most interested in arraigning it.

Then as far as regards the satisfaction of the public mind with the justice of the conviction (for upon this great stress is also laid), the public should never be encouraged to require a higher degree of certainty, than the law requires. But the practice of harassing convicts for a confession before the crowds assembled to witness their execution, pro-

duces this effect. It teaches them to divert their attention from the best and only practical test of a question, that should no longer be at issue, and to set a value upon a test the most deceptive that can be imagined. A voluntary admission of guilt may, to be sure, be depended on; but after conviction, no kind of reliance can be placed upon the most solemn asseverations to the contrary. Death and eternity are dreadful things; and it is dreadful to think of wretches determined to brave them with a deliberate falsehood upon their lips: yet there are men—many that have the nerve to do this. In Ireland it is of frequent occurrence; particularly in cases of conviction for political offences, and more or less in all others. A regard for posthumous reputation—the false glory of being remembered as a martyr—a stubborn determination to make no concession to a system of laws that he never respected—concern for the feelings and characters of relatives, by whom a dying protestation of innocence is cherished, and appealed to as a bequest to the honour of a family name—these, and similar motives attend the departing culprit to the final scene, and prevail to the last over every suggestion of truth and religion. It was so in the case I am now narrating. At

the place of execution, the prisoner was solemnly adjured by the clergyman in attendance to admit the justice of his sentence: he as solemnly re-asserted his innocence. The cap was drawn over his eyes, and he was about to be thrown off. An accidental interruption occurred. The clergyman raised the cap, and once more appealed to him as to a person upon whom the world had already closed. The answer was—"I am suffering for a crime in which I never participated; if Sullivan is ever found, my innocence will appear."

Sullivan *was* found before the next assizes, when he was tried and convicted upon the same evidence adduced against his master. Sullivan was a Roman Catholic; and, after his conviction, made a voluntary and full confession. It put the master's guilt beyond all question. The wretched girl, according to his statement, had insisted upon retaining in her own hands one half of the sum of which she had robbed her uncle. To obtain this, and also to dis-embarrass himself of an incumbrance, her seducer planned her death. Sullivan undertook to be the executioner. After setting Ellen Walsh on shore, they returned to an unfrequented point near Carrickafoyle, where the instruments of murder, a

musket, and a rope lay concealed. With these and the unsuspecting victim, Sullivan put out in the boat. The master remained upon the strand. After the interval of an hour, the boat returned, bearing back Ellen Hanly unharmed. "I thought I had made up my mind," said the ruffian in his penitential declaration; "I was just lifting the musket to dash her brains out; but when I looked in her innocent face, my heart shuddered, and I did not know how I could do it." This excuse made no impression upon the merciless master. Sullivan was plied with liquor, and again dispatched upon the murderous mission; the musket was once more raised, and—the rest has been told.

MR. WALLACE.<sup>1</sup>

[JULY, 1826.]

I HAVE heretofore observed, that it formed no part of my plan to make my selection of subjects from the Irish Bar according to any supposed scale of individual merit or importance, and I repeat the intimation here; for were it otherwise, I should certainly have been unjust to the person whom I now take up, in having so long delayed to make any mention of his name. Mr. Wallace is in several respects a remarkable man. He has for many years held an eminent station in his profession, and is pre-eminently entitled to the self-gratulation of reflecting, that his success has been of that honourable kind, in which neither accident nor patronage had any share. Of his early life and original pro-

<sup>1</sup> Thomas Wallace, Esq.

spects I have heard little, besides the fact that, in his youth, he found himself alone in the world without competence or connections, and with merely the rudiments of general knowledge; and that under these disheartening circumstances, instead of acquiescing in the obscurity to which he was apparently doomed, he formed, and for years persevered in, a solitary plan of self-instruction, until feeling his courage and ambition increased by the result of the experiments he had made upon himself, and measuring his strength with the difficulties to be encountered, he rejected the temporary allurements of any more ignoble calling; and with a boldness and self-reliance, which the event has justified, decided upon the bar as the most suited to his pretensions. With this view, and with a patient determination of purpose, which is among the most trying exercises of practical philosophy, he qualified himself for Trinity College, and entering there, gave himself (what was probably his chief motive in submitting to the delay) the reputation of having received a regular and learned education. He was called to the bar in 1798, where his talents soon bringing him into notice, he advanced at a gradual and steady pace to competence, then on to affluence, and finally

to the conspicuous place which he now fills in the Irish courts. He obtained a silk gown about seven years ago—a period beyond which it could not, without consummate injustice, have been withheld; but he was known to have connected himself, in his political sympathies, with Mr. Grattan and the friends of Ireland; and this, according to the maxims by which the country was then governed, was an unanswerable reason for procrastinating to the latest moment his title to precedence.

Mr. Wallace's intellectual qualities are in many particulars such as might be inferred from his history. In his character, as developed by his early life, we find none of the peculiarities of his country—no mercurial vivacity—no movements of an impatient and irregular ambition—but rather the composed and dogged ardour of a Scotchman, intent upon his distant object of fame and profit, and submitting, without a murmur, to the fatigues and delays through which it must be approached. In the same way it may be said of his mind, that it has little or nothing that is strictly national. The forms in which it excels are purely abstract, and would come as appropriately from a native of any other country. It is as an advocate (as contradistinguished from a mere



lawyer) that he has been most successful; and here the characteristic quality of his style and manner, or rather the compound result of all the qualities that belong to him professionally and individually, is masculine energy. He is emphatically "the strong man." There is at all times, and on all occasions, an innate, constitutional, imposing vigour on his topics, language, tones, and gestures, all co-operating to a common end, and keeping for ever alive in his auditory the conviction, that they are listening to a singularly able-minded man.

This impression is aided by his general aspect. His face, without a particle of pedantic solemnity, is full of seriousness and determination. Whatever of lofty or refined emotion may belong to the individual, never settles upon his countenance, and equally absent is every trace of sentimental discontent: but you find there a rigid, statue-like stability of expression, importing consciousness of strength and immobility of purpose, and suggesting to those, who know his history and character, an early and deliberate preparation for the world's frown, and a determination to retort it. His features, though remarkably in unison with the intellectual and moral characters impressed upon them, have few physical

peculiarities that can be conveyed by description. They are of the hardy Celtic outline, are evidently composed of the most durable materials, and still retain all the compactness and rotundity of early youth. His frame, though little above the middle size, presents the same character of vigour and durability, and contributes its due proportion towards completing that general idea of strength, which I have selected as most descriptive of the entire man. The more stern attributes, however, that I have ascribed to him, refer exclusively to the individual, as I have seen him in the discharge of his public duties. In the intercourse of private life he is, according to universal report, of the most frank and familiar manners, an extremely attractive companion, and, what is better still, a warm and constant friend.

Considering as I do, Mr. Wallace's mind to be, in its original constitution, what may be denominated one of all-work, I should say of it, that among the multiform and dissimilar departments of intellectual exercise involved in the profession of the law, there was scarcely any for which he could not have provided a corresponding aptitude of faculty. His powers have, however, been very much con-

fined to those classes of cases, in which facts rather than legal doctrines are the subject-matter of investigation. This may have been partly accidental—for at the Irish Bar, it is not only matter of chance whether the individual is to succeed at all, but chance, in the majority of instances, determines the particular faculties that must be developed and permanently cultivated for the purpose. There the aspirant for professional eminence cannot, as in England, select a particular department, and make it the subject of his exclusive study. One comes to the scene of exertion, relying upon his stores of learned research, and his capacity for the solitary labours of the desk—but the necessity of taking whatever business is offered, throws him into a totally dissimilar line. He becomes a *nisi-prius*, or motion lawyer, upon compulsion; strains his lungs in open court to a pitch, that neither nature nor himself had ever designed; and ascertaining by experience that this is to be his way of “getting on,” resigns his original studies as unproductive toil, and concludes a prosperous career without having ever given an opinion upon a title, or settled the draft of a deed of assignment. Another starts upon the strength of his oral qualifications.

Full of confidence and ardour, and fired with admiration of preceding models, he is all for eloquence—and eloquence of the highest order. He studies black-letter, and technicalities as a painful effort, but his cordial meditations are over the defence of Milo, and the immortal productions of the Athenian school. In his ambitious reveries, he sees before him a brilliant perspective of popular occasions, with the usual accompaniments of crowded galleries, spell-bound juries, an admiring bench, an applauding bar—but let him take heed. It is at all times in the power of two or three friendly attornies, who are in any business, to get him into Chancery, and keep him there, and with the best intentions imaginable (if he only prove competent to the tasks assigned him) to blast his fame for eloquence for ever.<sup>1</sup>

<sup>1</sup> I could cite more than one example of persons, whose talents for public speaking have been thus suppressed. I know of only one exception; or to speak more strictly, of an instance of very uncommon powers of oratory, breaking out long after the enthusiasm of youth had passed away, and in despite of a long subjection to habits of an opposite tendency. It was that of an Englishman, the present Judge Burton. He had been disciplined in all the severity of his native school, and forced his way at the Irish Bar, entirely by his legal superiority. It was only, when in the regular course of seniority he came to address juries, that it was first discovered by others, and probably by himself, that there lay, in the depths of his mind, a mine of rich materials that had never been

It does not, however, appear to me, that Mr. Wallace is one of those to whom any cross-purposes of this kind have assigned a final destination, that can be reasonably lamented. The cases in which he is in most request, are, perhaps, those in which he was originally, and still continues more peculiarly fitted to excel. Judging of him from his professional attributes and his collateral pursuits, I am led to infer, that the early and strongest propensity of his mind was for the discovery of truth; or in other words, that he was more of the philosopher than the sophist; and it will, I apprehend, be generally found true, that such an intellect, however competent to seize, is less prone to retain and manage a large mass of the multiform propositions of English law, where the terms in most familiar use are often subtle deductions from distant principles, that are no longer visible to those, who employ the terms with most effect, and where,

explored. To the last he had to dig for them. For the first half hour he was nothing; it took him that time to reconnoitre his subject, and get thoroughly heated: after that he was—not an accomplished speaker—for he never affected the externals of oratory—but in its great essentials—unity of purpose, and bold, rapid, and impassioned reasoning, enforced by the vigorous practical tones and gestures of real life—the possessor of an energy, that at times, and often for a long time together, was quite Demosthenic.

in fact, the process of argumentation may be likened to the working of an algebraic equation, in which, the final result is ascertained by the juxtaposition of signs rather than by a comparison of ideas.

He has also indulged in too constant a sympathy with the concerns of general humanity, to have ever shrunk into a mere technical proficient. To form the true "*Leguleius, cautus atque acutus*," a man must make up his mind to remain for years and years profoundly indifferent to all that passes beyond the precincts of his immediate calling. He must take the course of legislation as he would the course of the stars, as things above him ; and never venture, even in his most private reflections, to pry into the policy of an Act of Parliament, saving so far as the preamble may be pleased to enlighten or perplex him on that point. If questions on the currency rage around him, he must take no part, except in hoping that the decision will not diminish the exchangeable value of the counsel's fee. If he chances to hear that a bog has burst from its moorings, or that a blazing comet threatens to pounce upon our planet, he must leave them to be treated of by the curious in such matters, and go on with his meditations over a special demurrer. He must bring himself, in short,

to take no interest, direct or indirect, in aught that does not come home to his learned self. His bag must be to him the true sign of the times; and as long as it continues in high condition, he is to rest satisfied that human affairs must be running a prosperous career.

Mr. Wallace has, however, found constant and profitable occupation in a branch of his profession where a proficiency does not involve a corresponding waste of sensibility. He is in high repute in jury cases, and still more in those cases where issues of fact come under the investigation of the court, upon the sworn statements of the parties and their witnesses. It was said of the celebrated Malone, that to be judged of, he should be heard addressing "a jury of twelve wise men:" and certainly, when I consider the eminent qualifications of Mr. Wallace, distinguished as he is for a solid and comprehensive judgment—for manly sagacity rather than captious subtilty in argument—for the talent (and here he peculiarly excels) of educing an orderly, lucid, and consistent statement out of a chaotic assemblage of intricate and conflicting facts—for his knowledge of human nature, both practical and metaphysical, and along with these, for the sustained and authoritative

force of his language and delivery, which operate as a kind of personal warranty for the soundness of every topic he advances;—I should say that the most fitting place for the exhibition of such powers would be before such a tribunal as the admirers of Malone would have assigned him; but in these days a tribunal, so constituted, is not to be found. The most discriminating of Irish sheriffs would be somewhat puzzled in his efforts to empanel a round dozen of special sages in a jury-box; but though wisdom in such numerical force is not to be met with, there is a tribunal in Ireland (a novelty perhaps) filled by persons, who for knowledge, intellect, and impartiality, may without exaggeration be denominated “four wise men,” and who are most frequently called upon to serve as jurors in that description of cases, in which Mr. Wallace’s professional superiority is most acknowledged. Those cases (in technical parlance called “heavy motions”) are more numerous in the Court of King’s Bench, partly from its exclusive jurisdiction, as a court of criminal law, and also in no small degree from its present constitution, and the consequent influx of general business, by which the public confidence in its adjudications is unequivocally declared.



It is accordingly in this court that Mr. Wallace, in his ordinary every-day manner, as an advocate, may be heard to most advantage. His skill in dissecting a knavish affidavit is admirable, and renders him the terror of all knavish deponents upon whom he may have to operate. The exhibition is often amusing enough to a disinterested spectator. The party whose conscience is to undergo the ordeal of a public scrutiny, may be seen seated by his attorney; his countenance at first glowing with a defensive smirk of self-complacent defiance, but manifesting, as the investigation into his candour and veracity proceeds, the most marvellous varieties of hue and expression. An inconsistency or two are pointed out, and his smile of anticipated triumph gradually degenerates into a sub-acid sneer. A fraudulent suppression is next put up, and then he begins to look at his attorney, and, finding no refuge there, to look very grave. The counsel proceeds, inexorably accurate in his detections, and caustic in his comments. Our worthy deponent begins now to tremble for his reputation, and not without reason: for down come upon it a succession of mortal blows, every one of which the listening crowd, who desire no better sport, pronounce, by a malignant buzz, to have been

"a palpable hit." This quickly brings on the final stage. Our hero, "according to the very best of his knowledge, information, and belief," is mortified and wrathful in the extreme. He starts, and frowns, and shifts his posture, and compresses his lips, and clenches his fists: he would give worlds (so at least says his eye, and I would believe it as soon as his affidavit) to have just one blow at the head of his merciless torturer, or to tell him in open court that he is a calumniator and an assassin. He is on the point of committing some extravagance, when his attorney throws in a word or two of cool advice, to prevent his rage from boiling over, and the paroxysm gradually works itself to rest in silent vows of indefinite vengeance, or in *sotto voce* murmurings of impotent vituperation.

In such cases as the preceding, the severity of Mr. Wallace's animadversions is forgotten with the occasion; but when, in the discharge of his duty, he has been impelled to be equally unceremonious in his comments upon litigants of a higher order, murmurs have arisen, and questions been started, as to what are, or ought to be, the privileges of a barrister, in arraigning the conduct and motives of the parties to whom he is opposed. The irritated

suitor of course exclaims against a licence, under which he has smarted, as an intolerable grievance, and in general finds many sufficiently disposed to join in his indignation ; but no disinterested person, acquainted with human nature, as developed in the course of our legal proceedings, and considering alone the ends of justice, can easily bring himself to desire that the privileges complained of should be in any way abridged. The law makes a counsel personally responsible for any injurious observations upon the characters of individuals not warranted by his instructions ; and that those limits are seldom exceeded may be collected from the fact, that actions for slander of this description are unheard-of in practice. But if his instructions are manifestly libellous, is he not under a paramount moral obligation to suppress the obnoxious matter ? or is every just and honourable feeling of the gentleman to be merged in the conventional character of the barrister ? The answer is—A counsel cannot tell whether his instructions be true or false ; and though they should lean heavily upon an individual of previously unblemished reputation, he is not on that account to take it for granted that they are calumnious. It is a matter of daily experience, that litigation makes

strange discoveries in the characters of men. Persons of unsuspected integrity no sooner become plaintiffs or defendants in a cause, than, blinded by self-interest, or inflamed with the silly desire of obtaining a victory, they are found resorting to every knavish artifice to establish an unjust, or resist an equitable demand. How, then, in any given case, alleged to be of this description, can the counsel assure himself beforehand that the result will falsify his instructions? Is he in defiance of them to be incredulous and forbearing and from his conjectural doubts and misgivings, to put forward a statement so tame and wary as to deprive his client of the benefit of that honest indignation in the court or jury which the real facts of the case might justify? The present Chief-justice Best once said, in conversation, of a barrister,—“That man is unfit to conduct a case at the Quarter Sessions: he believes what his client tells him.” There is equal truth in the converse of the proposition—a barrister, who should make it a rule to act upon the disbelief of what his client tells him, would prove equally incompetent.

But still, it is constantly urged, the privilege thus contended for produces much unwarrantable vituperation. To this it may be replied, that custom

has given to language a peculiar, qualified, forensic sense, just as it has a parliamentary one, and that, thus understood, the invectives of counsel are purely hypothetical, and go for nothing unless corroborated in proof, and sanctioned by a verdict. If cleverly thrown off, they may for the moment gratify the bystanders, or ruffle the temper of the party against whom they are directed—but they leave no stain upon his reputation, if twelve men upon their oaths pronounce him to be an honest man. The “daggers” that a counsel “talks,” are merely weapons handed up to the jury-box: if any of them draw blood, the jury must strike the blow. And it may be further observed, that this latitude of speech is indirectly of no small service to the ends of justice, by the terrors it holds out to persons who would have no compunction in speculating upon the chances of fraudulent litigation, but are sufficiently worldly and sensitive to shrink from a public and unrestrained exposure of their iniquity.

In judging of an Irish barrister’s capacity for the higher orders of forensic eloquence, it is but just to remember, that in that country great occasions are extremely rare—and hence no doubt a habit that

prevails there of speculating upon the effects that particular individuals would produce, were they only supplied with opportunities commensurate with their powers. It was thus when the Queen's case was raging, that the national pride of the Irish bar broke out in vain regrets, that one of their crown officers, a man of surpassing qualifications for the conduct of such a cause, should not have been afforded such an opportunity of rising to the highest summit of what I may call the conjectural fame that he enjoyed in his profession. They pictured to themselves Charles Kendal Bushe, appearing at the Bar of the House of Peers, as the presiding counsel for the crown, upon the trial of that imperial issue, and uniting to every solid requisite for the discharge of such a duty, a collection of peculiar attributes, that seemed as if expressly designed for swaying the decision of such a tribunal on such an occasion. They saw him there with his matured professional skill and chastened eloquence—his fine imposing presence—his rich sonorous voice—his masterly powers of countenance, whether he spoke or listened—his profound unremitting by-play, now refuting by an indignant start, now enforcing by a moral shudder—his elevated carriage and natural grace, of gesture, tone,

sentiment and diction, in not one of which the most finished courtier of them all could have detected a provincialism. Considering all these, and the subject and the auditory, the admirers of this eminent and accomplished person completed (and perhaps not unjustifiably) the ideal picture, by representing to themselves, as the final issue, the torrent of popular favour successfully stemmed, and the imperial diadem wrested from the brow of the royal defendant.

A similar feeling prevailed among many with respect to Mr. Wallace, upon the occasion of the only political case of any moment that has in latter years occurred in Ireland—the trial of the rioters at the Dublin theatre. It was one of the singularities of that case, that the popular feeling was all on the side of the prosecution, and that, with the exception of the attorney-general, none of the counsel for the crown were animated by a warmer sentiment, than a determination to perform an unwelcome duty. That duty, the solicitor-general, who spoke to the evidence, performed with legal ability, and unquestioned integrity. No one could accuse him of the insidious suppression of any doctrine or argument that bore upon the case; but it was impossible for him to be eloquent. All his passions and prejudices

were against his cause, and he had not the flexibility of temper to assume a tone of indignant energy, of which he was unconscious. It is, therefore, easy to account for the general wish, that such a man as Mr. Wallace had supplied his place. He would not have allowed himself to have been trammelled by any personal or official restraints, but giving the fullest scope to all his powers, and superadding his authoritative denunciations as an individual to his invectives as an advocate, would have made the jury feel (and this was what was wanted) that they were themselves upon their trial, and must be held by the public to be accomplices in the factious proceeding against which they should hesitate to pronounce a verdict of conviction.

The personal determination of character, and practical efficiency of talent, for which Mr. Wallace is so distinguished, have been confined almost exclusively to his professional exertions; but the mention of those qualities brings to my recollection one rather memorable occasion, upon which they were called into action, and with a suddenness of result that cannot be duly appreciated by any, who were not actual witnesses of the scene. In the beginning of the year 1819, the friends of the



Catholic cause, considering that the time had arrived when the sense of the Protestant inhabitants of the Irish metropolis might be safely taken upon their question, determined, after much anxious deliberation, that a public meeting of that portion of the community should be convened for the purpose of recording their sentiments in the form of a petition to Parliament for emancipation. Though pretty confident of success, they foresaw that the Orange faction would rise, *en masse*, to interpose every kind of obstruction to so new and obnoxious an experiment. To prevent this, or at the worst, to be prepared for it, preliminary measures were taken for giving the proposed assemblage every possible degree of popular and even of aristocratic *éclat*. The attendance of the Duke of Leinster and several other peers was secured. The name of Grattan stood at the head of a list of patriotic commoners. To these were added some leading men from the bar, and many persons of opulence and weight from the commercial classes. Such a mass of respectability, it was hoped, would protect the meeting from any factious obstruction; but among the preliminary arrangements, there was one conspicuous novelty that inevitably provoked it. The Lord Mayor of

Dublin, (Alderman M'Kenny) with a courage that did him infinite honour, consented to call the meeting, and take the chair.

The Rotunda was fixed upon as the most convenient place for assembling—and it had the farther attraction of being, from its associations with the memory of the old volunteers of Ireland, a kind of consecrated ground for civil purposes. But the offence was commensurate. That a chief magistrate of the city of Dublin, the corporation's "own anointed," should be so lost to all sense of monopoly and intolerance, as to give the sanction of his presence at such a place, on such an occasion, was an innovation of too perilous example to pass unpunished. The aldermanic body quivered with indignation; the common council foamed with no common rage; the corporate sensibilities of the minor guilds burst forth in vows and projects of active vengeance. Before the appointed day arrived, it was matter of notoriety in Dublin, that a formidable plan of counteraction had been matured, and was to be put into execution. On the morning of the meeting, some of the principal requisitionists assembled at Charlemont-house to make the necessary arrangements for the business of the day. They

continued there until it was announced that the Lord Mayor had arrived, and was ready to take the chair, when they proceeded through the adjoining gardens of Rutland-square towards one of the back-entrances of the Rotunda. There was something peculiarly dispiriting in their appearance, as they slowly and silently wound along the narrow walks, more like a funeral procession, than a body of men proceeding to bear a part in a patriotic ceremony; but every sentiment of popular ardour was chilled by the apprehension that an effort, from which the most beneficial results had been anticipated, might terminate in a scene of disgraceful tumult. Even the presence of Grattan, who was in the midst of them, had lost its old inspiring influence. His name, his figure, his venerable historic features, his very dress—a threadbare blue surtout, of the old Whig-club uniform, buttoned closely up to the chin, and giving him something of the air of a veteran warrior—all these recalled the great national scenes, with which his genius and fame were identified. But the more vivid the recollection, the more powerful the present contrast. The despondency of age and of declining health had rested upon his countenance. Instead of the rapid and impatient

movements, with which, in the days of his pride and strength, he had been wont to advance to the contest, launching defiance from his eye, and unconsciously muttering to himself, as he paced along, some fragments of his impending harangue, all was now tardiness and silence, and quietude even to collapse. As they approached the building, the cheerings of the multitude within burst forth through the open windows. The well-known sound, for a moment, roused the veteran orator, but the impression was evanescent.

There was no want of excitement in the spectacle within. Upon entering the grand room of the Rotunda, they found about four thousand persons, the majority of them red-hot Irish politicians, congregated within its walls. The group I have described made their way to the raised platform, upon which the Lord Mayor had just taken the chair, and where a vacant space upon his right had been reserved for them. The left was occupied by a detachment from the corporation, headed by a formidable alderman. The Lord Mayor opened the business of the day by reading the requisition, and explaining his reasons for having called the meeting. "Murmurs on the left,"—in the midst of which up

rose the leader of the civic host to commence the preconcerted plan of operations. Without preface or apology, he called upon the chairman to dissolve the meeting." He cautioned him, as the preserver of the public peace, not to persevere in a proceeding so pregnant with dangers to the tranquillity of the city. Let him only look at the assemblage before him, which had been most unadvisedly brought together under the sanction of his name, and reflect, before it was too late, upon the frightful consequences that must ensue, when their passions should come to be heated by the discussions of topics of the most irritating nature. Was it for this that the loyal citizens of Dublin had raised him to his present high trust? Was it to preside over scenes of riot, perhaps of ——." Here the worthy alderman was interrupted, according to his expectations, by tumultuous cries "to order." A friend from the left rushed forward to sustain him; a member of the opposite party jumped upon the platform to call *him* to order, and was in his turn called to order by a corporator. Thus it continued until half a dozen questions of order were at once before the chair, and as many persons simultaneously bellowing forth their respective rights to an exclusive hearing.

To put an end to the confusion, the chairman consented to take the sense of the meeting on the motion for an adjournment, and having put the question, declared (as was the fact) that an immense majority of voices was against it. This was denied by the left side, who insisted that regular tellers should be appointed. A proposition, at once so unnecessary and impracticable, revealed their real object, and was received with bursts of indignation; but they persevered, and a scene of terrific uproar ensued. It continued so loud and long, that those who surrounded the chair became seriously alarmed for the result. They saw before them four thousand persons, inflamed by passion, and immured within a space from which a speedy exit was impossible. In addition to the general excitation, violent altercations between individuals were already commencing in the remoter quarters of the meeting, and if a single blow should be struck, the day must inevitably terminate in bloodshed. At this moment, when the tumult was at its height, two figures particularly attracted attention;—the first from its intrinsic singularity—it was that of a noted city brawler (his name I now forget) who had contrived to perch himself aloft upon a kind of elevated scaffolding that

projected from the loyal corner of the platform. He was a short, sturdy, half-dwarfish, ominous-looking caitiff, with those peculiar proportions, both as to person and features, which, without being actually deformed, seem barely to have escaped deformity. There was a certain extra-natural, lumpish conformation about his neck and shoulders, which gave the idea that the materials composing them must have been originally intended for a hump; while his face was of that specific, yet non-descript kind, vulgarly called a phiz,—broad, flat, and sallow, with glaring eyes, pug nose, thickish lips, and around them a circle of jet-black (marking the region of the beard) which neither razor nor soap could efface. The demeanour of this phenomenon, who brandished a crabstick as notorious in Dublin as himself, and wore his hat with its narrow upturned brim inclined to one side (the Irish symbol of being ready for a row) was so impudent and grotesque, as to procure for him at intervals the undivided notice of the assembly. His corporation friends let fly a jest at him, and were answered by a grin from ear to ear. This was sure to be followed by a compact full-bodied hiss from another quarter of the meeting, and instantaneous was the transition in his coun-

tenance, from an expression of buffoonish archness to one of almost maniacal ferocity. This "comical miscreant," contemptible as he would have been for any other purpose, proved a most effective contributor to the scene of general disturbance. Apart, at the opposite extremity of the platform, in view of this portent, and exposed to his grimaces and ribald vociferations, sat Henry Grattan, a silent and dejected spectator of the turmoil that raged around him. The contrast was at once striking and afflicting, presenting, as it were, a visible type of the condition of his country, in the triumph of vulgar and fanatical clamour, over all the efforts of a long life, exclusively devoted to her redemption.

But to resume:—The confusion continued, and the symptoms of impending riot were becoming momentarily more alarming, when Mr. Wallace (to whom it is full time to return) had the merit of averting such a crisis. In a short interval of diminished uproar, one of the most prominent of the disturbers was again on his legs, and recommencing, for the tenth or twentieth time, a disorderly address to the chair, when Mr. Wallace, who had not previously interfered, started up from his seat beside the chairman, advanced towards the speaker, and



called him to order. The act itself was nothing—the tone and manner everything. There was in the latter a stern, determined, almost terrific energy, which commanded immediate and universal silence. In a few brief sentences, he denounced the palpable design that had been formed to obstruct the proceedings, exposed the illegal and indecent artifices that had been resorted to, and insisted that the parties who were dissatisfied with the decision of the chair on the question of adjournment, should forthwith conform to the established usage in such cases, and leave the room. The voice of authority, and of something more, in which this was said, produced the desired effect. The multitude shouted forth their approbation. The civic chieftain, after performing astonishing feats of aldermanship, judged it prudent to retire without a farther struggle. He was followed by his corps of discontents, about fifty in number, and the business of the day, after a suspension of two hours, proceeded without interruption.

Mr. Wallace is one among the few of the present leading men at the Irish Bar, who have dedicated much time to literary pursuits. His general reading is understood to be various and extensive. In the

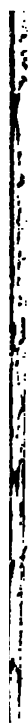
year 1796, two years before he was called to the bar, he composed an essay, on the variations in the prose style of the English language from the period of the Revolution, which obtained the gold medal prize of the Royal Irish Academy. It is written with much elegance, is entirely free from juvenile or national finery, and bears evident marks of those powers of discrimination, which were afterwards to procure for the possessor more substantial results than academic honours. In the same year he published a treatise of considerable length upon the manufactures of Ireland. The latter I have never seen, but I have heard an anecdote regarding it, which may be mentioned as illustrative of the purity with which Irish academic justice was in those days administered. It was originally composed, like the former, as a prize-essay. The academy hesitated between it and the rival production of one of their members, a Mr. Preston, and referred the decision to a committee. The committee deputed the task to a sub-committee, and the latter to three persons, of whom Mr. Preston was one. The prize was accordingly adjudged to that gentleman's production, and Mr. Wallace revenged himself of the

academy by publishing his work, and prefixing to it a detailed account of the transaction.

In concluding my notice of this able person, I have only to add, that he has, according to general report, some intention of procuring a seat in the ensuing Parliament. Should he do so, it may be safely predicted that his career there will be neither "mute" nor "inglorious." His manliness, integrity, and determination, as well as his general talents, would be soon found out in that assembly, and ensure him upon all occasions a respectful hearing. The enlightened portion of the Irish administration would find in him a strenuous supporter of no ordinary value; and the country at large (independently of the benefit of his other exertions) would have a security that no hackneyed and scandalous misrepresentations of its condition, no matter from whose lips they might come, would be allowed to pass in his presence without peremptory contradiction and rebuke.<sup>1</sup>

<sup>1</sup> Mr. Wallace died at a very advanced age in 1847.





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